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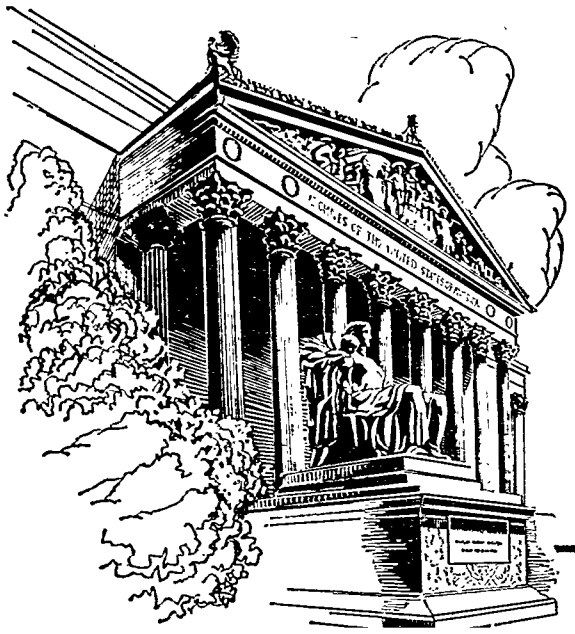

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List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1965, and specifies how they are affected.

Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Avocado Order 7, Amdt. 6]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Limitation of Shipments

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecesasry, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective, as hereinafter set forth, in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of certain varieties of avocados.

(b) It is, therefore, ordered that the provisions of paragraph (b) of § 915.307 (30 F.R. 7240, 7893, 9052, 10154, 11959) are hereby further amended by revising in Table I, certain dates and minimum weights and diameters applicable to the Booth 8 and Hickson varieties of avocados, so that after such revision the portion of such Table I relating to such varieties reads as follows:

Variety	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Booth 8	10-11-65	13 oz 3 1/16 in	10-18-65	10 oz 3 1/16 in	11- 8-65	8 oz 2 13/16 in	11-15-65
Hickson	10-11-65	15 oz 3 5/16 in	10-25-65	12 oz 3 1/16 in	11- 1-65		

(c) The provisions of this amendment shall become effective at 12:01 a.m., e.s.t., October 18, 1965.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 15, 1965.

F. L. SOUTHERLAND,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–11232; Filed, Oct. 19, 1965; 8:48 a.m.]

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Free, Reserve, and Surplus Percentages for 1965–66 Crop Year and List of Countries for Export Sale of Surplus Tonnage by or Through Handlers

Notice was published in the October 5, 1965, issue of the FEDERAL REGISTER (30 F.R. 12686) regarding a proposal (1) to designate free, reserve, and surplus percentages for standard natural (sun-dried) Thompson Seedless raisins for the 1965–66 crop year which would achieve a free tonnage objective approximating 110,000 tons,[1] a reserve tonnage objective of about 35,000 tons, and a surplus tonnage equaling the difference between the total of about 145,000 tons of the free and reserve tonnages and the estimated 1965 production of such raisins, and (2) to establish a list specifying the countries to which sale in export of surplus tonnage raisins may be made by or through handlers.

The proposal was based on the recommendation of the Raisin Administrative Committee. The Committee is established under, and its recommendations are made pursuant to, the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act."

[1] All tonnage figures herein are in terms of natural condition weight.

After the notice was issued, the California Crop and Livestock Reporting Service estimated the 1965 production of natural (sun-dried) Thompson Seedless raisins at 244,000 tons. The Committee then met and unanimously recommended that (1) free, reserve, and surplus percentages of 45 percent, 15 percent, and 40 percent, respectively, be designated for such raisins for the 1965–66 crop year so as to achieve, on the basis of the aforesaid estimate of the 1965 production, the aforesaid free, reserve, and surplus tonnage objectives, and (2) the proposed list of countries set forth in the notice (the same list as established for the 1964–65 crop year) be established and continued in effect until changed.

The total supply of other varietal types of raisins is expected to approximate 28,000 tons. The Committee did not deem the supply of such raisins to be in excess of the quantity that can be marketed in all outlets at reasonable prices in 1965–66 and the quantity needed for desirable carryout. Volume regulation for these varietal types was deemed unnecessary and, therefore, none was recommended.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Committee, the data, views, and arguments submitted pursuant to the notice, and other available information, it is found that to designate for natural (sun-dried) Thompson Seedless raisins the free tonnage percentage, reserve tonnage percentage, and surplus tonnage percentage for the 1965–66 crop year, and to establish, pursuant to § 989.68(c), the list of countries to which sale in export of surplus tonnage raisins may be made by or through handlers, as set forth below, will tend to effectuate the declared policy of the act.

§ 989.223 Free, reserve, and surplus tonnage percentages for the 1965–66 crop year.

The percentages of standard natural (sun-dried) Thompson Seedless raisins acquired by handlers during the crop year beginning September 1, 1965, which shall be free tonnage, reserve tonnage, and surplus tonnage, respectively, are designated as follows: Natural (sun-dried) Thompson Seedless raisins: Free tonnage percentage, 45 percent; reserve tonnage percentage, 15 percent; and surplus tonnage percentage, 40 percent.

§ 989.224 Countries to which sale in export of surplus tonnage raisins may be made by or through handlers.

The countries to which sale in export of surplus tonnage raisins acquired by handlers on and after September 1, 1965, may be made by or through han-

dlers shall be all of those countries, other than Australia, outside of the Western Hemisphere. For purposes of this section, "Western Hemisphere" means the area east of the International Date Line and west of 30 degrees W. longitude but shall not be deemed to include any of Greenland.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)) in that: (1) under this regulatory program the percentages designated for a crop year apply to all standard raisins of the applicable varietal type acquired by handlers from the beginning of the crop year, and such acquisitions for the crop year have begun; and (2) the current crop year began September 1, 1965, and the percentages herein designated will automatically apply to such raisins acquired on and after that date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 15, 1965.

F. L. SOUTHERLAND,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–11233; Filed, Oct. 19, 1965; 8:49 a.m.]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Miscellaneous Amendments

Pursuant to the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993; 30 F.R. 9797), hereinafter referred to collectively as the "order", regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the Prune Administrative Committee has recommended an amendment of the Subpart—Administrative Rules and Regulations. The subpart is operative pursuant to the order.

Changes will be made in present §§ 993.149(b)(2) and (d)(2), 993.150(c), 993.172, 993.173(a) and (b), and 993.174 (a), and new §§ 993.156, 993.157, and 993.158 will be added. The amendment will primarily implement the order's reserve control provisions, which become effective August 6, 1965 (30 F.R. 9797), and will provide the means whereby the Committee will obtain data to determine handlers' reserve obligations, prescribe the manner in which the reserve percentage would be applied to prunes received by handlers from producers and dehydrators in order to determine the reserve obligation of each handler, prescribe procedures for the holding and delivery of reserve tonnage, including holding, sales and deliveries by grade, size and variety categories; provide for over- or under-delivery of reserve tonnage, provide for holding reserve tonnage on other than the handler's premises, provide for temporary deferment of withholding reserve prunes, revise reporting requirements, and revise procedures pertaining to the interhandler transfer of prunes.

After consideration of all relevant information, including the Committee's recommendation, it is found that the amendment of the Subpart—Administrative Rules and Regulations, as hereinafter set forth, provides specific implementation of the order, is in accordance with this part, will tend to effectuate the declared policy of the act, and for the reasons hereinafter set forth, should become effective at the time provided herein.

Therefore, it is hereby ordered, That the Subpart—Administrative Rules and Regulations be amended as follows:

1. Subparagraph (2) of § 993.149(b) and subparagraph (2) of paragraph (d) are revised to read:

§ 993.149 Receiving of prunes by handlers.

* * * * *

(b) *Incoming inspection—* * * *

(2) *Certification.* Following inspection of a lot not returned to the producer or dehydrator the handler shall require the inspector to issue, in quintuplicate, a signed certificate containing the following information: (i) The date and place of inspection; (ii) the name and address of the producer or dehydrator, the handler, and the inspection service; (iii) the variety of the prunes, the county in which such prunes were produced, the number and type of the containers thereof, the net weight of the prunes as shown on the applicable door receipt or weight certificate, together with the number of such receipt or certificate and the contract or account number under which the prunes were delivered; (iv) whether the prunes are standard, substandard, or substandard for nonhuman use only as prescribed in paragraph (d)(1) of this section; (v) the inspector's computation of the percentage of each group or combination of groups of defects for which a maximum tolerance is in effect; (vi) the average size count of all prunes in the lot; and (vii) if substandard, the percentage by weight of off-grade prunes (those defective pursuant to § 993.97) necessary to be removed therefrom for the lot to be standard prunes, and the percentage by weight of those off-grade prunes with defects of mold, imbedded dirt, insect infestation, and decay, and the percentage by weight of prunes with such defects necessary to be removed in order for the balance of the lot to be within the tolerance for such defects.

* * * * *

(d) *Prunes for non-human consumption only—* * * *

(2) *Regulation on substandard prunes accumulated by a handler pursuant to § 993.49(c).* To satisfy the obligation imposed by § 993.49(c) to dispose of excess defective prunes, other than those of subparagraph (1) of this paragraph, each handler shall dispose of, in nonhuman consumption outlets, a weight of such prunes equal to the excess in substandard lots received and such prunes shall be prunes with defects of mold, imbedded dirt, insect infestation, or decay, as of their receipt by the handler, and shall not exceed by more than 20 prunes per pound the weighted average size count of the prunes in lots with an excess of such prunes. The inspection certificate applicable to the quantity of prunes in which such defective prunes are included for disposition shall show in addition to items set forth in § 993.150 (e)(3), the percentage by weight of such defective prunes, their average size count, and whether they are capable of being stored unpacked without further material deterioration or spoilage. If they are storable and if an appropriate size count, the creditable weight shall be that resulting from the application of such percentage to the total weight of such quantity of prunes. If they are not storable, the creditable weight of defective prunes shall be reduced, and their average size count shall be increased, by the percentage of moisture determined by the inspector as necessary to be removed to render them capable of being stored.

* * * * *

2. Paragraph (c) of § 993.150 is revised to read:

§ 993.150 Disposition of prunes by handlers.

* * * * *

(c) *Interhandler transfers.* A handler may transfer prunes other than those regulated pursuant to § 993.149(d) (1) and (2) and those held as reserve prunes to a plant of another handler within the area without inspection: *Provided,* That he shall inform the inspection service in writing, prior to such shipment, of the following information: (1) The date of the shipment; (2) the names and addresses of the handlers and the locations of the shipping and receiving plants; (3) the number of containers, variety, size count, and the total net weight of prunes in the load; and (4) the manifest or billing number. The inspection service shall be required to prepare a "Shipping Inspection Report and Certificate" DFA Form P–5 to record the foregoing data and mark the form "Interhandler Transfer". If the prunes so being shipped are analyzed for quality the results shall be entered on the applicable Form P–5. The original copy of the Form P–5 will be forwarded to the receiving handler with the load of prunes. The receiving handler shall sign and date this Form P–5 as to the date he received the prunes and forward it promptly to the inspection service. The transferring handler shall require the inspection service to promptly report the transfer to the committee. Any prunes so transferred shall be subjected to outgoing regulations by the receiving handler prior to shipment or other final disposition by him.

* * * * *

3. A new center heading "Reserve Control" and new §§ 993.156, 993.157, and 993.158 reading as follows are added immediately after § 993.150:

RESERVE CONTROL

§ 993.156 Application of reserve percentage.

The reserve obligation of each handler shall be determined by applying the reserve percentage to the weight of prunes in each lot, after deducting the weight of prunes in such lot shown as a percentage on the applicable inspection certificate as necessary to be removed therefrom pursuant to § 993.49(c), in such manner as may be prescribed in such reserve control regulation established for the crop year in which such lot is received by a handler from a producer or dehydrator.

§ 993.157 Holding and delivery of reserve prunes.

(a) *Holding by categories.* The reserve prunes of a handler for any crop year shall consist of such grade categories, and such size, and variety categories within each grade category, as may be prescribed in such reserve control regulation established for such crop year.

(b) *Sales and deliveries.* Sales and deliveries of reserve prunes from the holdings of any handler shall be in terms of grade, size, and variety categories and shall not exceed the quantity of reserve prunes required to be held by him in any such category. The reserve prune holding requirement of the handler, in each category from which there is a sale or delivery, shall be reduced by the tonnage so sold or delivered.

(c) *Assistance to handlers.* As assistance to handlers, the committee shall furnish each handler a monthly tabulation, beginning as soon as possible after the start of the crop year, showing his reserve obligation and holding requirement based on records on file with the committee.

(d) *Provision in the event of failure to hold reserve prunes in accordance with holding requirement.* In the event a handler fails to hold for the committee his total reserve prune holding requirement in any category and is unable to rectify such a deficiency with salable prunes, he shall compensate the committee in an amount computed by multiplying the pounds of natural condition prunes so deficient by the bonding rate established pursuant to § 993.58(b)(1) for prunes of the category in which such deficiency occurs: *Provided,* That the remedies prescribed herein shall be in addition to, and not exclusive of, any of the remedies or penalties prescribed in the act with respect to non-compliance. The determination of any such deficiency shall include application of any tolerance allowance for shrinkage in weight, increase in the number of prunes per pound, and normal and natural deterioration and spoilage which may then be in effect.

(e) *Provision in the event of excess delivery to the committee of reserve prunes.* In the event a handler delivers to the committee as reserve prunes of any category a quantity of prunes in excess of his holding requirement for reserve prunes in that category the committee shall make such practical adjustments as are consistent with this part and these may include: (1) Crediting the excess (non-reserve prunes) to the holding requirement for reserve prunes of another category; or (2) compensating the handler for such excess (nonreserve prunes) by paying to him the proceeds received by the committee for such excess.

(f) *Holding reserve prunes on other than a handler's premises.* No handler shall hold reserve prunes on the premises of another handler, or in approved commercial storage other than on his own premises, unless prior thereto he notifies the committee in a certified report on Form PAC 5.1 "Notice of Proposed Intent to Store Reserve Prunes" which shall contain at least the following information: (1) The date and the name and address of the handler; (2) the name and address of the person on whose premises the reserve prunes will be stored for the handler; (3) the approximate quantity to be so stored and the exact location and description of the storage facilities; and (4) the proposed date that such storage will begin. The report shall be accompanied by a signed statement by the person on whose premises the reserve prunes are to be stored agreeing to hold such prunes under conditions of proper storage and further agreeing to permit access to such premises by the committee at any time during business hours for the purpose of examining or taking delivery of such prunes in accordance with the provisions of this part. No handler shall be permitted to hold reserve prunes on any premises outside the area.

§ 993.158 Deferment of reserve withholding.

Any handler who desires to defer withholding pursuant to the provisions of § 993.58 shall notify the committee on Form PAC 9.1, "Notification of Desire for Deferment of Reserve Withholding", containing at least the following information: (1) The date and the name and address of the handler; (2) the total salable prunes acquired or under contract with producers and dehydrators; (3) the period for which deferment is requested; and (4) the tonnage of reserve prunes, by categories, on which deferment is requested. The notification shall be accompanied by the undertaking and bond or bonds required by § 993.58. No handler shall defer withholding of reserve prunes until he has filed the required undertaking and bond or bonds with the committee and has received its acceptance.

4. A new paragraph (e) reading as follows is added to § 993.172:

§ 993.172 Reports of holdings, receipts, sales, uses, and shipments.

* * * * *

(e) *Holding of reserve prunes.* Upon request of the committee, a handler shall file with the committee, within 10 calendar days thereafter, a certified report on Form PAC 4.1, "Reserve Prunes Held by Handler", containing the following information as of the date specified by the committee in its request: (1) The date and name and address of the handler; (2) the effective date of the report; and (3) the tonnages of reserve prunes physically held by or for the handler, itemized by plants, together with the location of the plants and itemized by the tonnages and average size count by category held at each such plant.

5. Paragraphs (a) and (b) of § 993.173 are revised and § 993.174 is redesignated as § 993.173(c) and revised to read:

§ 993.173 Reports of accounting.

(a) *Independent handler's reports of accounting.* Within 10 days (exclusive of Saturdays, Sundays, and legal holidays) after a handler, other than a nonprofit cooperative agricultural marketing association, makes an accounting or settlement with a producer or dehydrator for prunes delivered to him, he shall submit to the committee a copy of the accounting or settlement record, which shall contain the following information: (1) The names and addresses of the producer or dehydrator, any other person having a financial interest in the prunes, and the handler; (2) the date of the accounting or settlement; (3) the contract or account number; (4) an itemized statement listing each lot of prunes in the delivery, showing the date received, receiving point, weight certificate or door receipt number, inspection certificate number, variety, crop year of production, and the net weight and average size count of prunes, if any, shown by the applicable incoming inspection certificate to be set aside for nonhuman consumption in accordance with § 993.149 (d) (1) and (2); (5) the total net weight of prunes to be set aside for nonhuman consumption, and the total net weight received; and (6) the total net weight of each lot, itemized as to salable and reserve prunes by category as developed from inspection certificates.

(b) *Cooperative marketing associations' reports of accounting.* Upon written notice by the committee, non-profit cooperative agricultural marketing associations which are handlers shall file with the committee within 10 days (exclusive of Saturdays, Sundays, and legal holidays) thereafter a signed cumulative report of the prunes received from its members and any other producers or dehydrators for whom it performs handling services, which shall contain the following information: (1) The name and address of the association and the date of the report; (2) the aggregate net weight and weighted average size count of prunes required to be shown by the applicable incoming inspection certificates to be set aside for nonhuman consumption in accordance with § 993.149(d)(1) and (2); and (3) the

total net weight of prunes received, itemized by crop years of production, and itemized as to salable and reserve prunes by category as developed from inspection certificates.

(c) *Carryover and marketing policy information.* Upon request of the committee, a handler shall within 10 days (exclusive of Saturdays, Sundays, and legal holidays) thereafter, file with the committee a signed report on Form PAC 14.1 "Report of Carryover and Marketing Policy Information," containing such of the following items of information as may be requested by the committee: (1) The tonnage of prunes held by the handler by size and grade, as of the date specified in the committee's request and the tonnage of reserve prunes by size in each category; and (2) the handler's estimate of the tonnage of prunes held by producers and dehydrators from whom the handler received prunes during the current or preceding crop year, of the tonnage and quality and size of prunes expected to be produced by such producers and dehydrators during the current or following crop year, of current prices being received by producers, dehydrators, and handlers, and of the probable trade demand.

§ 993.174 [Redesignated]

6. Section 993.175 is redesignated § 993.174.

It is hereby further found that it is impracticable, unnecessary, or contrary to the public interest to give preliminary notice and engage in public rulemaking procedure, and that good cause exists for making the provisions hereof effective upon publication in the FEDERAL REGISTER and not postponing the effective time until 30 days after such publication (5 U.S.C. 1003(a) and (c)) in that: (1) Salable and reserve percentages for the 1965–66 crop year, which began August 1, 1965, were issued September 23, 1965; (2) handlers have been receiving prunes in volume since late August 1965; (3) this action implements the reserve control provisions of the order and it is imperative that it be made effective immediately to carry out the purposes of the aforesaid reserve control regulation for the 1965–66 crop year issued September 23; (4) handlers are aware that this amendment is based on a recommendation of the Committee and require no additional advance notice to comply therewith; and (5) members of a subcommittee of the Committee have reviewed the provisions hereof and have expressed no objection thereto.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated October 15, 1965, to become effective upon publication in the FEDERAL REGISTER.

F. L. SOUTHERLAND,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–11234; Filed, Oct. 19, 1965; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 6228; Amdt. 39–150]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Models 707 and 720 Series Airplanes

Amendment 39–81 (30 F.R. 7701), AD 65–13–1, as amended by Amendment 39–113 (30 F.R. 10154) required modifications in the horizontal trim control and position warning systems on Boeing Models 707 and 720 Series airplanes. Subsequent to the issuance of Amendment 39–81, the Agency has determined that compliance with the AD may be shown by accomplishment of Boeing Service Bulletins issued subsequent to those required in the AD. Therefore, the AD is amended to provide that compliance with the AD may be shown by accomplishment of the referenced Boeing Service Bulletin or later FAA-approved revision.

Since this amendment provides an alternative means of compliance and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–81 (30 F.R. 7701), AD 65–13–1, as amended by Amendment 39–113 (30 F.R. 10154), is amended as follows:

1. By amending paragraph (a) (1) to read as follows:

(1) On Models 707 and 720 Series airplanes listed in Boeing Service Bulletin No. 1699 (R–1) B, modify stabilizer trim green band rigging and limit in accordance with Boeing Service Bulletin No. 1699 (R–1)B, or later FAA-approved revision, or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region.

2. By amending paragraph (a) (2) to read as follows:

(2) On Model 707 Series airplanes listed in Boeing Service Bulletin No. 1990, modify stabilizer trim electrical limit in accordance with Boeing Service Bulletin No. 1990, or later FAA-approved revision, or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region.

3. By amending subparagraph (b) (1) to read as follows:

(1) On all Models 707 and 720 Series airplanes, modify stabilizer trim actuator moisture control in accordance with Boeing Service Bulletins Nos. 1854 and 1954A, or later FAA-approved revision, or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region.

4. By amending subparagraph (b) (2) to read as follows:

(2) On all Models 707 and 720 Series airplanes, modify actuator assembly secondary brake in accordance with Boeing Service Bulletin No. 1946 (R–1), or later FAA-approved revision, or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region. This amendment becomes effective October 20, 1965.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421 and 1423)

Issued in Washington, D.C., on October 13, 1965.

C. W. WALKER,
Acting Director, Flight Standards Service.

[F.R. Doc. 65–11187; Filed, Oct. 19, 1965; 8:45 a.m.]

[Airspace Docket No. 65–EA–27]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone, Designation of Transition Areas

On page 8634 of the FEDERAL REGISTER for July 8, 1965, the Federal Aviation Agency published proposed regulations which would alter the Parkersburg, W. Va., control zone (29 F.R. 17624) and designate a 700-foot floor transition area over Wood County Airport, Parkersburg, W. Va., and designate a 1,200-foot floor Parkersburg, W. Va. transition area.

Interested parties were given 45 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., January 6, 1966.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on October 8, 1965.

OSCAR BAKKE,
Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Parkersburg, W. Va., control zone and insert in lieu thereof:

Within a 4-mile radius of the center, 39°31'00" N., 81°26'15" W., of Wood County Airport, Parkersburg, W. Va.; and within 2 miles each side of the Parkersburg VOR 208° radial extending from the 4-mile radius zone to the VOR.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700- and 1,200-foot floor Parkersburg, W. Va., transition area described as follows:

PARKERSBURG, W. VA.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 39°21'00" N., 81°26'15" W., of Wood County Airport, Parkersburg, W. Va.; within 2 miles each side of the Parkersburg VOR 208° and 028° radials extending from the 6-mile radius area to 8 miles northeast of the VOR.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: 30°40'00" N., 81°47'00" W., to 39°40'00" N., 81°30'00" W., to 39°43'00" N., 81°13'00" W., to a point on the Imperial, Pa.,

VOR 60 mile arc at 39°53'15" N., 81°03'15" W., thence counterclockwise along this arc to the 202° radial; thence to 39°00'00" N., 81°04'00" W., to 39°00'00" N., 81°43'40" W. to the point of beginning.

[F.R. Doc. 65-11189; Filed, Oct. 19, 1965; 8:45 a.m.]

[Airspace Docket No. 64-AL-22]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alterations of Control Zone and Transition Area

On July 13, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 8793) stating that the Federal Aviation Agency proposed to alter the control zone and transition area at Unalakleet, Alaska.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments, but no comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 6, 1966, as hereinafter set forth.

1. In § 71.171 (29 F.R. 17581) the Unalakleet, Alaska, control zone is amended to read as follows:

UNALAKLEET, ALASKA

Within a 5-mile radius of the Unalakleet Airport (latitude 63°53' N., longitude 160°47' W.); within 2 miles each side of the Unalakleet RR W course, extending from the 5-mile radius zone to 14 miles W of the RR; within 2 miles each side of the Unalakleet VOR 265° radial, extending from the 5-mile radius zone to 14 miles W of the VOR; and within 2 miles each side of the Unalakleet TACAN 175° radial, extending from the 5-mile radius zone to 10.5 miles S of the TACAN. This control zone is effective from 0545 to 2145 hours, local time.

2. In § 71.181 (29 F.R. 17643) the Unalakleet, Alaska, transition area is amended to read as follows:

UNALAKLEET, ALASKA

That airspace extending upward from 700 feet above the surface within 5 miles N and 8 miles S of the Unalakleet RR W course, extending from the RR to 17 miles W of the RR; and within 5 miles N and 8 miles S of the Unalakleet VOR 265° radial, extending from the VOR to 17 miles W of the VOR; and that airspace extending upward from 1,200 feet above the surface within 7 miles N and 8 miles S of the RR E and W courses, extending from 7 miles E to 23 miles W of the RR; and within 5 miles each side of the Unalakleet VOR 265° radial, extending from the VOR to 23 miles W of the VOR.

(Secs. 307(a) and 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510, and Executive Order 10854 (24 F.R. 9565))

Issued in Washington, D.C., on October 13, 1965.

JAMES L. LAMPL,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-11188; Filed, Oct. 19, 1965; 8:45 a.m.]

[Airspace Docket No. 63-EA-35]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone, Designation of Transition Areas

On pages 1122 and 1123 of the FEDERAL REGISTER for February 3, 1965, as amended on pages 8341 and 8342 of June 30, 1965, the Federal Aviation Agency published proposed regulations which would alter the Covington, Ky., control zone, establish a 700- and 1,200-foot transition area over the Cincinnati, Ohio, terminal complex, establish a 700-foot transition area over Hook Field Municipal Airport, Middletown, Ohio, and establish a 700-foot transition area over Hamilton Airport, Hamilton, Ohio.

Interested parties were given 30 days after publication in which to submit written data or views. No objection to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., January 6, 1966.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on October 8, 1965.

OSCAR BAKKE,
Director, Eastern Region.

1. Amend § 71.171 of Part 71 by deleting the descriptions of the Covington, Ky., control zone (29 F.R. 1113) and inserting in lieu thereof "Within a 5-mile radius of the center of Greater Cincinnati Airport 39°02'56" N., 84°39'53" W. and within 2 miles each side of the Cincinnati, Ohio, VORTAC 223° radial extending southwestward from the 5-mile radius zone for 5 miles.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Cincinnati, Ohio, transition area described as follows:

CINCINNATI, OHIO

That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of the center 39°02'56" N., 84°39'53" W. of Greater Cincinnati Airport, Covington, Ky. and within 5 miles west and 8 miles east of the Greater Cincinnati Airport south localizer extending from the 11.5-mile radius area to 15 miles south of the Runway 36 OM; within 8 miles west and 12 miles east of the Greater Cincinnati Airport north localizer course extending from the 11.5-mile radius area to 14 miles north of the Runway 18 OM. Within an 8-mile radius of the center 39°06'-00" N., 84°25'15" W. of Cincinnati Municipal-Lunken Airport; and within 2 miles each side of the Cincinnati RR northeast course extending from the 8-mile radius area to 8 miles northeast of the RR.

That airspace extending upward from 1,200 feet, above the surface beginning at: 38°26'-00" N., 85°15'00" W. to 39°12'00" N., 85°30'-00" W. to 39°40'00" N., 84°25'00" W. to 39°-19'00" N., 84°00'00" W. to 38°30'00" N., 83°-59'00" W. to 38°20'00" N., 84°30'00" W. to point of beginning.

3. Amend § 71.181 of Part 71 by establishing a Middletown, Ohio, transition area described as follows:

MIDDLETOWN, OHIO

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center of 39°32'00" N., 84°-23'30" W. of Hook Field Municipal Airport and within 2 miles each side of a 232° bearing from Middletown, Ohio, RBN extending from the 5-mile radius area to 8 miles southwest of the RBN.

4. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Hamilton, Ohio, transition area described as follows:

HAMILTON, OHIO

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 39°21'58" N., 84°31'30" W. of Hamilton Airport, Hamilton, Ohio; and within 2 miles north and 5 miles south of a 279° bearing from the Hamilton RBN extending from the 7-mile radius area to 8 miles west of the RBN excluding the portions within the Cincinnati, Ohio and Middletown, Ohio, transition areas.

[F.R. Doc. 65-11208; Filed, Oct. 19, 1965; 8:47 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-446]

PART 288—EXEMPTION OF AIR CARRIERS FOR SHORT-NOTICE MILITARY CONTRACTS AND SUBSTITUTE SERVICE

Aircraft Minimum Loads

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of October 1965.

Part 288 of the Economic Regulations conditions exemptions to perform short-notice military charter contracts and substitute service upon observance of the minimum reasonable rates specified therein. Section 288.7(b) prescribes minimum aircraft loads applicable to these minimum-rate conditions. The minimum load set therein for DC-8 aircraft other than the DC-8F is 147 passengers. On August 20, 1965, by notice of proposed rule making EDR-89 (30 F.R. 10995) the Board proposed amendment of § 288.7(b) to increase the minimum load for DC-8 (other) aircraft to 149 passengers (Docket 16308).

The notice was issued pursuant to a petition filed by Trans International Airlines, Inc. (TIA), which stated that no other air carrier operates DC-8-51 aircraft (which is presently the only "other" MATS DC-8 series) in MATS service, that MATS will use TIA's DC-8-51 to carry passengers if the minimum load is changed to 149 passengers, that the aircraft can carry 149 passengers comfortably and meet MATS seating-configuration requirements, and that the change to 149 passengers would conform the minimum passenger load with that for the comparable B-707-100 aircraft.

Comments in response to the Notice were filed by Pan American World Airways, requesting that the proposed 149-passenger minimum apply only to DC-8 (50 series) aircraft rather than to all DC-8 aircraft other than the DC-8F. In

support of its request, Pan American states that the DC–8–51 aircraft is sufficiently different, structurally, from earlier models of DC–8's to require that it be given separate treatment as to minimum load. Aircraft of the DC–8–50 series, which includes the DC–8–51, are capable of accommodating seating for 149 passengers. However, earlier models of DC–8's, because of structural limitations, are physically incapable of accommodating more than 147 passengers, and to modify such aircraft to align their capacities with the later 50-series models would involve considerable expense. Thus, according to Pan American, amendment of § 288.7(b) as proposed in EDR–89 would foreclose earlier model DC–8's from participating in substitute and short-notice charter service in MATS operations because of the expense and delay involved in restructuring those aircraft.

Inasmuch as TIA's petition related only to the DC–8–51 aircraft, we will grant Pan American's request and limit the amendment of § 288.7(b) at the present time to that aircraft. In consideration of the foregoing, the Civil Aeronautics Board hereby amends § 288.7(b) of Part 288 of the Economic Regulations (14 CFR Part 288), effective November 1, 1965, by adding a line in the table therein between "B–707–100 series" and "DC–8 (other)" to read as follows:

Aircraft type	Number of passengers	Tons of cargo	
	All-passenger and convertible flights	All-cargo flights	Convertible flights
* * *			
DC–8 (50 series)	149	----------	----------
* * *			

(Secs. 204, 416, Federal Aviation Act of 1958; 72 Stat. 743, 771; 49 U.S.C. 1324, 1386)

Adopted: October 14, 1965.

Effective date. November 1, 1965.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 65–11224; Filed, Oct. 19, 1965; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ANTIOXIDANTS AND/OR STABILIZERS FOR POLYMERS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5B1684) filed by the Dow Chemical Co., Post Office Box 467, Midland, Mich., 48641, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of 4,4'-cyclohexylidenebis(2-cyclohexylphenol) as an antioxidant and/or stabilizer in polymers used in the manufacturing of articles intended for use in contact with food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.2566(b) is amended by inserting alphabetically in the list of substances the following new item:

§ 121.2566 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) List of substances:

	Limitations
* * *	* * *
4,4'-Cyclohexylidenebis(2-cyclohexylphenol).	For use only at levels not to exceed 0.1 percent by weight of olefin polymers complying with §§ 121.2501, 121.2508, and 121.2510; *Provided,* That the finished polymers contact food only of the types identified in § 121.2526(c), table 1, under categories I, II, IV–B, VI, VII–B, and VIII.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 14, 1965.

JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 65–11228; Filed, Oct. 19, 1965; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

Subpart D—Food Additives Permitted in Food for Human Consumption

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE-(OR TETRACYCLINE-) CONTAINING DRUGS

Chlortetracycline

1. The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 5C1744) filed by American Cyanamid Company, Post Office Box 400, Princeton, New Jersey, 08540, and other relevant material, has concluded that the following amendment to § 121.208 should issue to provide for the safe use of chlortetracycline in feed of beef cattle and nonlactating dairy cows as an aid in the elimination of the carrier state of anaplasmosis. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.208(d) is amended by adding to Table 6 a new item 9, as follows:

§ 121.208 Chlortetracycline.

* * * * *

(d) * * *

TABLE 6—CHLORTETRACYCLINE IN CATTLE FEED

Principal ingredient	Amount	Combined with—	Amount	Limitations	Indications for use
* * *	* * *	* * *	* * *	* * *	* * *
9. Chlortetracycline.	5.0 (milligrams per pound of body weight per day).	----------	----------	For beef cattle and nonlactating dairy cows; feed for 60 days; for use in the carrier state only; not to be fed within 10 days of slaughter; from a concentrate containing not less than 2.0 grams of chlortetracycline per pound. Labeling shall include a statement that a positive complement-fixation test at conclusion of a 60-day feeding period does not necessarily establish that anaplasmosis carrier state is still active. To positively establish that the carrier state has been eliminated, inject blood from a suspected carrier into a splenectomized (susceptible) calf.	Aid in the elimination of the carrier state of anaplasmosis.

* * * * * * *

§ 121.1014 [Amended]

2. Based upon an evaluation of the data before him and proceeding under the authority of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), the Commissioner of Food and Drugs has further concluded that where nonlactating dairy cows are treated with chlortetracycline in accordance with § 121.208 (d), table 6, as amended, tolerance limitations are required to assure that edible tissues from treated cows are safe for human consumption. Therefore, § 121.1014(d) is amended by adding after the words "beef cattle", the words "and nonlactating dairy cows".

3. Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507(c), 59 Stat. 463 as amended; 21 U.S.C. 357(c)), and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90), the Commissioner finds that animal feeds containing combinations of certifiable antibiotics and certain food additives need not comply with the requirements of sections 502(*l*) and 507(c) in order to insure their safety and efficacy when used as prescribed in Part 121, Subpart C. Therefore, § 146c.219(f)(4) is amended by adding thereto a new subdivision (viii), as follows:

§ 146c.219 Crude chlortetracycline oral veterinary.

* * * * *

(f) * * *

(4) * * *

(viii) Aid in the elimination of the carrier state of anaplasmosis.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 409(c)(1), (4), 507(c), 59 Stat. 463 as amended, 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4), 357(c))

Dated: October 14, 1965.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 65-11227; Filed, Oct. 19, 1965; 8:48 a.m.]

SUBCHAPTER D—HAZARDOUS SUBSTANCES

PART 191—HAZARDOUS SUBSTANCES; DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Fireworks Assortments; Exemption From Labeling Requirements

There has been submitted to the Commissioner of Food and Drugs a request to exempt from the requirements of the Federal Hazardous Substances Labeling Act the outer retail containers of certain fireworks assortments.

The Commissioner has concluded that a general caution statement on the outer retail package of the assortment will serve to alert purchasers and users of such assortments to the fact that the fireworks therein may be hazardous if misused. The Commissioner has concluded that full compliance with the labeling requirements of section 2(p) of the act is not necessary for the adequate protection of the public health and safety. Therefore, pursuant to the provisions of the Federal Hazardous Substances Labeling Act (sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262) and under authority vested in the Secretary of Health, Education, and Welfare and delegated to the Commissioner (21 CFR 2.90), § 191.63(a) is amended by adding thereto a new subparagraph (27), reading as follows:

§ 191.63 Exemption for small packages, minor hazards, and special circumstances.

(a) * * *

(27) Packaged fireworks assortments intended for retail distribution are exempt from section 2(p)(1) of the act: *Provided,* That:

(i) The package contains only fireworks devices suitable for use by the public and designed primarily to produce visible effects by combustion, except that small devices designed to produce audible effects may also be included if the audible effect is produced by a charge of not more than 2 grains of pyrotechnic composition;

(ii) Each individual article in the assortment is fully labeled and in conformance with the requirements of the act and regulations issued thereunder; and

(iii) The outer package bears on the main display panel (or panels) within the borders of a rectangle and in the type size specified in § 191.101 the following caution statement: "*WARNING*—This assortment contains items that may be hazardous if misused and should be used only under adult supervision. Important: Read cautions on individual items carefully."

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the Federal Hazardous Substances Labeling Act contemplates such modification of the labeling requirements under certain conditions.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262)

Dated: October 14, 1965.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 65-11226; Filed, Oct. 19, 1965; 8:48 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6856]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

PART 301—PROCEDURE AND ADMINISTRATION

Gain From Sale or Exchange of Residence of Individual Who Has Attained Age 65

On August 25, 1965, notice of proposed rule making regarding amendments to conform the Income Tax Regulations (26 CFR Part 1) to the amendments made to the Internal Revenue Code of 1954 by section 206 of the Revenue Act of 1964 (78 Stat. 38) (relating to gain from sale or exchange of residence of individual who has attained age 65) and to conform the Procedure and Administration Regulations (26 CFR Part 301) to the amendments made to such Code by sections 201(d)(14), 206(b)(1) and 301(b)(2) of the Revenue Act of 1964 (78 Stat. 32, 38, 140) was published in the FEDERAL REGISTER (30 F.R. 10988). No objection to the rules proposed having been received during the 30-day period prescribed in the notice, the amendment of the regulations as proposed is hereby adopted.

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

Approved: October 14, 1965.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1) to the amendments made to the Internal Revenue Code of 1954 by section 206 of the Revenue Act of 1964 (78 Stat. 38), and in order to conform the Procedure and Administration Regulations (26 CFR Part 301) to the amendments made to the Internal Revenue Code of 1954 by sections 201(d)(14), 206(b)(1), and 301(b)(2) of the Revenue Act of 1964 (78 Stat. 32, 38, 140) such regulations are amended as follows:

PARAGRAPH 1. Paragraph (a)(3)(v) and (b)(3) of § 1.61–2 are amended to read as follows:

§ 1.61–2 Compensation for services, including fees, commissions, and similar items.

(a) *In general.* * * *

(3) * * *

(v) Miscellaneous items, see section 122.

(b) *Members of the Armed Forces, Coast and Geodetic Survey, and Public Health Service.* * * *

(3) Miscellaneous items, see section 122.

* * * * *

PAR. 2. Paragraph (b)(3) of § 1.61–11 is amended to read as follows:

§ 1.61–11 Pensions.

* * * * *

(b) *Cross references.* * * *

(3) References to other acts of Congress exempting veterans' pensions and railroad retirement annuities and pensions, section 122.

PAR. 3. Paragraph (b)(5) of § 1.61–14 is amended to read as follows:

§ 1.61–14 Miscellaneous items of gross income.

* * * * *

(b) *Cross references.* * * *

(5) Miscellaneous exemptions under other acts of Congress, see section 122;

* * * * *

PAR. 4. Section 1.121 is redesignated § 1.122, and as so redesignated is amended by redesignating section 121 as section 122, and by revising the historical note. These amended provisions read as follows:

§ 1.122 Statutory provisions; cross references to other acts.

SEC. 122. *Cross references to other acts,* * * *

[Sec. 122 as amended by section 501(t) Servicemen's and Veterans' Survivor Benefits Act (70 Stat. 885); sec. 2201 (25), Veterans' Benefits Act of 1957 (71 Stat. 160); sec. 13(t), Act of Sept. 2, 1958 (Pub. Law 85–857, 72 Stat. 1266); as renumbered by sec. 206(a), Rev. Act 1964 (78 Stat. 38)]

PAR. 5. There are inserted immediately after § 1.120–1 the following new sections:

§ 1.121 Statutory provisions; gain from sale or exchange of residence of individual who has attained age 65.

SEC. 121. *Gain from sale or exchange of residence of individual who has attained age 65*—(a) *General rule.* At the election of the taxpayer, gross income does not include gain from the sale or exchange of property if—

(1) The taxpayer has attained the age of 65 before the date of such sale or exchange, and

(2) During the 8-year period ending on the date of the sale or exchange, such property has been owned and used by the taxpayer as his principal residence for periods aggregating 5 years or more.

(b) *Limitations*—(1) *Where adjusted sales price exceeds $20,000.* If the adjusted sales price of the property sold or exchanged exceeds $20,000, subsection (a) shall apply to that portion of the gain which bears the same ratio to the total amount of such gain as $20,000 bears to such adjusted sales price. For purposes of the preceding sentence, the term "adjusted sales price" has the meaning assigned to such term by section 1034(b)(1) (determined without regard to subsection (d)(7) of this section).

(2) *Application to only one sale or exchange.* Subsection (a) shall not apply to any sale or exchange by the taxpayer if an election by the taxpayer or his spouse under subsection (a) with respect to any other sale or exchange is in effect.

(c) *Election.* An election under subsection (a) may be made or revoked at any time before the expiration of the period for making a claim for credit or refund of the tax imposed by this chapter for the taxable year in which the sale or exchange occurred, and shall be made or revoked in such manner as the Secretary or his delegate shall by regulations prescribe. In the case of a taxpayer who is married, an election under subsection (a) or a revocation thereof may be made only if his spouse joins in such election or revocation.

(d) *Special rules*—(1) *Property held jointly by husband and wife.* For purposes of this section, if—

(A) Property is held by a husband and wife as joint tenants, tenants by the entirety, or community property,

(B) Such husband and wife make a joint return under section 6013 for the taxable year of the sale or exchange, and

(C) One spouse satisfies the age, holding, and use requirements of subsection (a) with respect to such property,

then both husband and wife shall be treated as satisfying the age, holding, and use requirements of subsection (a) with respect to such property.

(2) *Property of deceased spouse.* For purposes of this section, in the case of an unmarried individual whose spouse is deceased on the date of the sale or exchange of property, if—

(A) The deceased spouse (during the 8-year period ending on the date of the sale or exchange) satisfied the holding and use requirements of subsection (a)(2) with respect to such property, and

(B) No election by the deceased spouse under subsection (a) is in effect with respect to a prior sale or exchange,

then such individual shall be treated as satisfying the holding and use requirements of subsection (a)(2) with respect to such property.

(3) *Tenant-stockholder in cooperative housing corporation.* For purposes of this section, if the taxpayer holds stock as a tenant-stockholder (as defined in section 216) in a cooperative housing corporation (as defined in such section), then—

(A) The holding requirements of subsection (a)(2) shall be applied to the holding of such stock, and

(B) The use requirements of subsection (a)(2) shall be applied to the house or apartment which the taxpayer was entitled to occupy as such stockholder.

(4) *Involuntary conversions.* For purposes of this section, the destruction, theft, seizure, requisition, or condemnation of property shall be treated as the sale of such property.

(5) *Property used in part as principal residence.* In the case of property only a portion of which, during the 8-year period ending on the date of the sale or exchange, has been owned and used by the taxpayer as his principal residence for periods aggregating 5 years or more, this section shall apply with respect to so much of the gain from the sale or exchange of such property as is determined, under regulations prescribed by the Secretary or his delegate, to be attributable to the portion of the property so owned and used by the taxpayer.

(6) *Determination of marital status.* In the case of any sale or exchange, for purposes of this section—

(A) The determination of whether an individual is married shall be made as of the date of the sale or exchange; and

(B) An individual legally separated from his spouse under a decree of divorce or of separate maintenance shall not be considered as married.

(7) *Application of sections 1033 and 1034.* In applying sections 1033 (relating to involuntary conversions) and 1034 (relating to sale or exchange of residence), the amount realized from the sale or exchange of property shall be treated as being the amount determined without regard to this section, reduced by the amount of gain not included in gross income pursuant to an election under this section.

[Sec. 121 as added by sec. 206(a), Rev. Act 1964 (78 Stat. 38)]

§ 1.121–1 Gain from sale or exchange of residence of individual who has attained age 65.

(a) *General rule.* Section 121(a) provides that a taxpayer may, under certain circumstances, elect to exclude from gross income gain realized on the sale or exchange of property which was his principal residence. Subject to the other provisions of section 121 and the regulations thereunder, the election may be made only if—

(1) The taxpayer attained the age of 65 before the date of the sale or exchange of his principal residence, and

(2) During the 8-year period ending on the date of the sale or exchange of the property the taxpayer owned and used the property as his principal residence for periods aggregating 5 years or more.

The requirements of ownership and use for periods aggregating 5 years or more may be satisfied by establishing ownership and use for 60 full months or for 1,825 days (365×5). In establishing whether a taxpayer has satisfied the requirement of 5 years of use, short temporary absences such as for vacation or other seasonal absence (although accompanied with rental of the residence) are counted as periods of use.

(b) *Examples.* The provisions of paragraph (a) are illustrated by the following examples:

Example (1). Taxpayer A owned and used his house as his principal residence continuously since 1946. On January 1, 1962, at which time A is over 65, he retires and moves to another State with his wife. A leases his house from such date until July 1, 1964, at which time he sells it. A may make an election under section 121(a) with respect to any gain on such sale since he has owned and used the house as his principal residence for 5 years out of the 8 years preceding the sale.

Example (2). Taxpayer B lived with his son and daughter-in-law in a house owned by his son from 1957 through 1963. On January 1, 1964, he purchased this house and on December 31, 1967, he sold it. Although B used the property as his principal residence for more than 5 years, he is not entitled to make an election under section 121(a) in respect of such sale since he did not own the residence for a period aggregating 5 years during the 8-year period ending on the date of the sale.

Example (3). Taxpayer C, a college professor, purchased and moved into a house on January 1, 1960. He used the house as his principal residence continuously to February 1, 1964, on which date he went abroad for a 1-year sabbatical leave. During a portion of the period of leave the property was unoccupied and it was leased during the balance of the period. On March 1, 1965, 1 month after returning from such leave, he sold the house. Since his leave is not considered to be a short temporary absence for purposes of section 121(a), the period of such leave may not be included in determining whether C used the house as his principal residence for periods aggregating 5 years during the 8-year period ending on the date of the sale. Thus, C is not entitled to make an election under section 121(a) since he did not use the residence for the requisite period.

Example (4). Assume the same facts as in example (1) except that during the years 1956 through 1961, inclusive, A left his residence for a 2-month summer vacation each year. Although, in the 8-year period preceding the date of sale, the total time spent away from his residence on such vacations (12 months) plus the time spent away from such residence from January 1, 1962, to July 1, 1964 (30 months) exceeds 3 years, he may make an election under section 121(a) since the 2-month vacations are counted as periods of use in determining whether A used the residence for the requisite period.

§ 1.121–2 Limitations.

(a) *Where adjusted sales price exceeds $20,000.* (1) When the adjusted sales price (for the meaning of "adjusted sales price" see paragraph (d) of § 1.121–3) of the residence exceeds $20,000, only a portion of the gain realized from the sale or exchange of such residence may be excluded from gross income under section 121(a). The amount of such gain excluded from the taxpayer's gross income (if the taxpayer makes the election under section 121(a)) is that portion of the gain which bears the same ratio to the total amount of such gain as $20,000 bears to the adjusted sales price.

(2) The provisions of this paragraph are illustrated by the following example:

Example. Assume that A sells his principal residence for $30,800; that the amount realized is $30,400 (selling price reduced by selling expenses, described in paragraph (b)(4)(i) of § 1.1034–1, of $400); that the adjusted sales price is $30,000 (amount realized reduced by fixing-up expenses described in § 1.1034–1(b)(6) of $400); and that A's gain realized from the sale is $15,000 (amount realized reduced by adjusted basis of $15,400). The portion of the gain which bears the same ratio to the total amount of such gain as $20,000 bears to the adjusted sales price is $10,000 ($20,000/$30,000×$15,000). Thus, $10,000 is the portion of the gain excludable from gross income pursuant to an election under section 121(a).

(b) *Application to only one sale or exchange.* (1) A taxpayer may not make an election to exclude from gross income gain from the sale or exchange of a principal residence if there is in effect at the time the taxpayer wishes to make such election—

(i) An election made by the taxpayer, under section 121(a), in respect of any other sale or exchange of a residence, or

(ii) An election made by the taxpayer's spouse (such marital status to be determined at the time of the sale or exchange by the taxpayer, see paragraph (f) of § 1.121–5) under the provisions of section 121(a) in respect of any other sale or exchange of a residence (without regard to whether at the time of such sale or exchange such spouse was married to the taxpayer).

If the taxpayer and his spouse, before their marriage each owned and used a separate residence and if (after their marriage) both residences are sold, whether or not in a single transaction, an election under section 121(a) may be made with respect to a sale of either residence (but not with respect to both residences) if, at the time of sale, the age, ownership, and use requirements are met.

(2) The provisions of this paragraph are illustrated by the following examples:

Example (1). While A and B are married, A sells his separately owned residence and makes an election under section 121(a) in respect of such sale. Pursuant to the requirement of section 121(c), B joins in such election. Subsequently, A and B are divorced and B married C. While B and C are married, C sells his residence. C is not entitled to make an election under section 121(a) since an election by B, his spouse, is in effect. It does not matter that B obtained no personal benefit from her election.

Example (2). The facts are the same as in example (1) except that after the sale of C's residence, A and B, pursuant to the provisions of paragraph (c) of § 1.121–4, revoke their election. B and C, subject to the other provisions of this section, may then make an election with respect to any gain realized on the sale of C's residence.

Example (3). The facts are the same as in example (1) except that C marries B after C sells his residence but before he makes an election under section 121(a) with respect to any gain realized on such sale. C, if there is not in effect an election made by him under section 121(a) with respect to a prior sale, may make an election with respect to his sale since B does not have to join with him in such election. (In the case of a sale of property jointly held by husband and wife, see paragraph (a) of § 1.121–5.)

§ 1.121–3 Definitions.

(a) *Principal residence.* The term "principal residence" has the same meaning as in section 1034 (relating to sale or exchange of residence) and the regulations thereunder (see paragraph (c)(3) of § 1.1034–1).

(b) *Sale or exchange.* A "sale or exchange" of a residence includes the destruction, theft, seizure, requisition, or condemnation of such residence.

(c) *Gain realized.* The term "gain realized" has the same meaning as in paragraph (b)(5) of § 1.1034–1 (determined without regard to section 121(d)(7) and paragraph (g) of § 1.121–5).

(d) *Adjusted sales price.* The term "adjusted sales price" has the meaning assigned to it by section 1034(b) (determined without regard to section 121(d)(7) and paragraph (g) of § 1.121–5). Thus, the term means the amount realized from the sale or exchange less certain expenses for work performed on the residence in order to assist in its sale. Such "fixing-up expenses" are described in paragraph (b)(6) of § 1.1034–1.

§ 1.121–4 Election.

(a) *General rule.* A taxpayer may make an election under section 121(a) in respect of a particular sale (or may revoke any such election) at any time before the expiration of the period for making a claim for credit or refund of Federal income tax for the taxable year in which the sale or exchange occurred. A taxpayer who is married at the time of the sale or exchange—

(1) May not make an election under section 121(a) unless his spouse (at the time of the sale or exchange) joins him in such election, and

(2) May not revoke an election previously made by him unless his spouse (at the time of the sale or exchange) joins him in the revocation.

If the taxpayer's spouse dies after the sale or exchange but before the expiration of the time for making an election under this section (and an election was not made by the husband and wife), the deceased spouse's personal representative (administrator or executor, etc.) must join with the taxpayer in making an election. For purposes of making an election under section 121(a), if no personal representative of the deceased spouse has been appointed at or before the time of making the election, then the surviving spouse shall be considered the personal representative of such deceased spouse. Any election previously made by the taxpayer may be revoked only if the personal representative of the taxpayer's deceased spouse joins in such revocation.

(b) *Manner of making election.* The election under section 121(a) shall be made in a statement signed by the taxpayer and (where required) by his spouse and attached to the taxpayer's income tax return, when filed, for the taxable year during which the sale or exchange of his residence occurs. The statement shall indicate that the taxpayer elects to exclude from his gross income for such year so much of the gain realized on such sale or exchange as may be excluded under section 121. The statement shall also show—

(1) The adjusted basis of the residence as of the date of disposition;

(2) The date of its acquisition;

(3) The date of its disposition;

(4) The adjusted sales price (as defined in paragraph (d) of § 1.121–3) of the residence;

(5) The names and social security numbers of the owners of the residence as of the date of sale, the form of such ownership, and the age and marital status (as determined under paragraph (f) of § 1.121–5) of such owner or owners at the time of the sale;

(6) The duration of any absences (other than vacation or other seasonal absence) by such owner or owners during the 8 years preceding the sale; and

(7) Whether any such owner or owners have previously made an election under section 121(a), the date of such election, the taxable year with respect to which such election was made, the district director with whom such elec-

tion was filed, and, if such election has been revoked, the date of such revocation.

(c) *Manner of revoking election.* The revocation of an election under section 121(a) shall be made by the taxpayer by filing a signed statement showing his name and social security number and indicating that the taxpayer revokes the election he made under section 121(a). The statement shall also show the taxable year of the taxpayer for which such election was made. The statement shall be signed by the taxpayer and (where required) by his spouse or their personal representatives and filed with the district director with whom the election was filed. In addition, if, at the time the statement is filed, the statutory period for assessment of a deficiency for the taxable year for which the election was made will expire within one year, then, the revocation is not effective unless the taxpayer also consents, in writing, that the statutory period for assessment of any deficiency (to the extent that such deficiency is attributable to the revocation of the election) shall not expire before the expiration of one year after the date the statement was filed with the district director. Such consent must be filed prior to the date of the expiration of the statutory period for assessment for the taxable year for which the election was made.

§ 1.121–5 Special rules.

(a) *Property held jointly by husband and wife.* (1) If—

(i) On the date of the sale or exchange of a residence, such residence is held by a husband and wife as joint tenants, tenants by the entirety, or community property,

(ii) A joint return under section 6013 is made by such husband and wife for the taxable year in which the residence is sold or exchanged, and

(iii) One spouse satisfies the age, ownership, and use requirements of section 121(a),

then both the husband and wife are treated as satisfying the age, ownership, and use requirements of section 121(a). Thus, if the above conditions exist and one spouse meets all the requirements of section 121(a), the other spouse will be treated as meeting all such requirements.

(2) The provisions of this paragraph are illustrated by the following example:

Example. On January 1, 1964, A and B while married, sell their jointly owned residence which they have owned and used as their principal residence continuously since 1958. At the time of the sale, A is age 66 and B is age 62. If A and B file a joint return for the year of the sale, B will be considered to have satisfied the age, ownership and use requirements of section 121(a) since A has satisfied such requirements.

(b) *Property of deceased spouse.* (1) A taxpayer is treated as satisfying the ownership and use requirements of section 121(a)(2) with respect to property if—

(i) His spouse is deceased on the date of the sale or exchange of such property, and

(ii) Such deceased spouse had, during the 8-year period ending on the date of the sale or exchange of the property, satisfied such ownership and use requirements with respect to such property.

This rule, however, has no application if the surviving spouse is married at the time of the sale or exchange of such property, or if an election made by the deceased spouse under section 121(a) is in effect with respect to any other sale or exchange.

(2) The provisions of this paragraph are illustrated by the following example:

Example. H and W become husband and wife on January 1, 1964. On and after such date they use as their principal residence property which H has owned and used as his principal residence since January 1, 1957. H dies on January 1, 1966, and W inherits the property and continues to use the property as her principal residence. W sells the property on December 31, 1967, at which time she is over 65 and not married. H, during the 8-year period ending on the date of the sale (January 1, 1960, through December 31, 1967), satisfied the 5-year use and ownership requirements of section 121(a)(2) with respect to such property by owning and using the property as his principal residence for 6 years (1960 through 1965). Accordingly, W may make an election under section 121(a).

(c) *Tenant-stockholder in cooperative housing corporation.* An individual who holds stock as a "tenant-stockholder" in a "cooperative housing corporation", as those terms are defined in section 216(b), may be eligible to make an election under section 121(a) in respect of the sale or exchange of such stock. In determining whether the taxpayer meets the requirements of section 121(a), the ownership requirements of such section are applied to the holding of such stock and the use requirements of such section are applied to the house or apartment which the individual was entitled to occupy because of such stock ownership.

(d) *Involuntary conversions.* Destruction, theft, seizure, requisition, or condemnation of property shall be treated as the sale of such property for purposes of section 121(a).

(e) *Property used in part as principal residence.* (1) When a taxpayer can satisfy the ownership and use requirements of section 121(a)(2) only with respect to a portion of the property sold, then section 121 shall apply only with respect to so much of the gain from the sale or exchange of the property as is attributable to such portion. Thus, if the residence was used only partially for residential purposes, only that part of the gain allocable to the residential portion is not to be recognized under section 121(a).

(2) The provisions of this paragraph are illustrated by the following example:

Example. Taxpayer A, an attorney, uses a portion of the property constituting his principal residence as a law office for a period in excess of 3 years out of the 8 years preceding the sale of such residence. Accordingly, section 121 does not apply with respect to so much of the gain on the sale of the property as is allocable to the portion of the property used as a law office.

(f) *Determination of marital status.* Marital status is to be determined as of the date of the sale or exchange of the residence. An individual who on the date of the sale or exchange is legally separated from his spouse under a decree of divorce or of separate maintenance is not considered as married on such date.

(g) *Application of sections 1033 and 1034.* (1) In applying sections 1033 (relating to involuntary conversions) and 1034 (relating to sale or exchange of residence), the amount realized from the sale or exchange of property used as one's principal residence is treated as being the amount determined without regard to section 121, reduced by the amount of gain excluded from gross income pursuant to an election made under section 121(a). Thus, the amount which must be invested in a new residence in order to fully satisfy the nonrecognition provisions of section 1033 or 1034 is reduced by the amount of gain not included in the taxpayer's gross income because of an election made under section 121(a).

(2) The provisions of this paragraph are illustrated by the following example:

Example. Taxpayer A sells his residence for $32,000, incurs $2,000 in fixing-up expenses described in section 1034(b)(2), and has a basis of $23,000 for such residence. Accordingly, $6,000 ($20,000/$30,000×$9,000) of gain is excluded from his gross income under this section. If he purchases a new residence within one year for $23,000, only $1,000 of his gain is taxable since his adjusted sales price for purposes of section 1034 is $24,000 (($32,000−$2,000)−($6,000)).

PAR. 4. Paragraph (b) of § 1.1033(a)–1 is amended to read as follows:

§ 1.1033(a)–1 Involuntary conversions; nonrecognition of gain.

* * * * *

(b) *Special rules.* For rules relating to the application of section 1033 to involuntary conversions of a principal residence with respect to which an election has been made under section 121 (relating to gain from sale or exchange of residence of individual who has attained age 65), see paragraph (g) of § 1.121–5. For rules applicable to involuntary conversions of a principal residence occurring before January 1, 1951, see § 1.1033(b)–1. For rules applicable to involuntary conversions of a principal residence occurring after December 31, 1950, and before January 1, 1954, see paragraph (h)(1) of § 1.1034–1. For rules applicable to involuntary conversions of a personal residence occurring after December 31, 1953, see § 1.1033(b)–1. For special rules relating to the election to have section 1034 apply to certain involuntary conversions of a principal residence occurring after December 31, 1957, see paragraph (h)(2) of § 1.1034–1. For special rules relating to certain involuntary conversions of real property held either for productive use in trade or business or for investment and occurring after December 31, 1957, see § 1.1033(g)–1. See also special rules applicable to involuntary conversions of property sold pursuant to reclamation laws, livestock

destroyed by disease, and livestock sold on account of drought provided in §§ 1.1033(d)–1, 1.1033(e)–1, and 1.1033 (f)–1, respectively. For rules relating to basis of property acquired through involuntary conversions, see § 1.1033(c)–1. For determination of the period for which the taxpayer has held property acquired as a result of certain involuntary conversions, see section 1223 and regulations issued thereunder. For treatment of gains from involuntary conversions as capital gains in certain cases, see section 1231(a) and regulations issued thereunder. For portion of war loss recoveries treated as gain on involuntary conversion, see section 1332(b)(3) and regulations issued thereunder.

PAR. 5. Section 1.1033(b)–1 is amended to read as follows:

§ 1.1033(b)–1 Involuntary conversion of principal residence.

Section 1033 shall apply in the case of property used by the taxpayer as his principal residence if the destruction, theft, seizure, requisition, or condemnation of such residence, or the sale or exchange of such residence under threat or imminence thereof, occurs before January 1, 1951, or after December 31, 1953. However, section 1033 shall not apply to the seizure, requisition, or condemnation (but not destruction), or the sale or exchange under threat or imminence thereof, of such residence property if the seizure, requisition, condemnation, sale, or exchange occurs after December 31, 1957, and if the taxpayer properly elects under section 1034(i)(2) to treat the transaction as a sale (see paragraph (h)(2)(ii) of § 1.1034–1). Section 1033 shall not apply in the case of an involuntary conversion of property used by the taxpayer as his principal residence if the destruction, theft, seizure, requisition, or condemnation of such residence, or the sale or exchange of such residence under threat or imminence thereof, occurred after December 31, 1950, and before January 1, 1954. In the case of property disposed of after December 31, 1950, and before January 1, 1954, which is used by the taxpayer partially as a principal residence and partially for other purposes, proper allocation shall be made and § 1.1033(a)–2 and § 1.1033 (c)–1 shall apply only with respect to the involuntary conversion of the portion used for such other purposes. See section 121 and paragraphs (d) and (g) of § 1.121–5 for special rules relating to the involuntary conversion of a principal residence of individuals who have attained age 65.

PAR. 6. Section 1.1033(h) is amended by adding at the end of subsection (h) of section 1033 a new paragraph (3) and by revising the historical note. These added and amended provisions read as follows:

§ 1.1033(h) Statutory provisions; involuntary conversions; cross references.

SEC. 1033. *Involuntary conversions.* * * *

(h) *Cross references.* * * *

(3) For exclusion from gross income of certain gain from involuntary conversion of residence of taxpayer who has attained age 65, see section 121.

[Sec. 1033(h) as amended by sec. 46(a), Technical Amendments Act 1958 (72 Stat. 1641); sec. 206(b)(3), Rev. Act 1964 (78 Stat. 40)]

PAR. 7. Section 1.1034 is amended by adding at the end thereof a new subsection (k) and by revising the historical note. These added and amended provisions read as follows:

§ 1.1034 Statutory provisions; sale or exchange of residence.

SEC. 1034. *Sale or exchange of residence.* * * *

(k) *Cross reference.* For exclusion from gross income of certain gain from sale or exchange of residence of taxpayer who has attained age 65, see section 121.

[Sec. 1034 as amended by sec. 46(b), Technical Amendments Act 1958 (72 Stat. 1642); sec. 206(b)(4), Rev. Act 1964 (78 Stat. 40)]

PAR. 8. Paragraph (a) of § 1.1034–1 is amended to read as follows:

§ 1.1034–1 Sale or exchange of residence.

(a) *Nonrecognition of gain; general statement.* Section 1034 provides rules for the nonrecognition of gain in certain cases where a taxpayer sells one residence after December 31, 1953, and buys or builds, and uses as his principal residence, another residence within specific time limits before or after such sale. (For special rules relating to the sale or exchange of a principal residence by a taxpayer who has attained age 65, see section 121 and paragraph (g) of § 1.121–5.) In general, if the taxpayer invests in a new residence an amount at least as large as the adjusted sales price of his old residence, no gain is recognized on the sale of the old residence (see paragraph (b) of this section for definitions of "adjusted sales price", "new residence", and "old residence"). On the other hand, if the new residence costs the taxpayer less than the adjusted sales price of the old residence, gain is recognized to the extent of the difference. Thus, if an amount equal to or greater than the adjusted sales price of an old residence is invested in a new residence, according to the rules stated in section 1034, none of the gain (if any) realized from the sale shall be recognized. If an amount less than such adjusted sales price is so invested, gain shall be recognized, but only to the extent provided in section 1034. If there is no investment in a new residence, section 1034 is inapplicable and all of the gain shall be recognized. Whenever, as a result of the application of section 1034, any or all of the gain realized on the sale of an old residence is not recognized, a corresponding reduction must be made in the basis of the new residence. The provisions of section 1034 are mandatory, so that the taxpayer cannot elect to have gain recognized under circumstances where this section is applicable. Section 1034 applies only to gains; losses are recognized or not recognized without regard to the provisions of this section. Section 1034 affects only the amount of gain recognized, and not the amount of gain realized (see also section 1001 and regulations issued thereunder). Any gain realized upon disposition of other property in exchange for the new residence is not affected by section 1034.

* * * * *

PAR. 9. Section 1.6012 is amended by revising paragraph (c) of section 6012 and by revising the historical note. These amended provisions read as follows:

§ 1.6012 Statutory provisions; persons required to make returns of income.

SEC. 6012. *Persons required to make returns of income.* * * *

(c) *Certain income earned abroad or from sale of residence.* For purposes of this section, gross income shall be computed without regard to the exclusion provided for in section 121 (relating to sale of residence by individual who has attained age 65) and without regard to the exclusion provided for in section 911 (relating to earned income from sources without the United States).

* * * * *

[Sec. 6012 as amended by sec. 72(a), Technical Amendments Act 1958 (72 Stat. 1660); sec. 206(b)(1), Rev. Act 1964 (78 Stat. 40)]

PAR. 10. Paragraph (a)(3) of § 1.6012–1 is amended to read as follows:

§ 1.6012–1 Individuals required to make returns of income.

(a) *Individual citizen or resident.* * * *

(3) *Earned income from without the United States and gain from sale of residence.* For the purpose of determining whether an income tax return must be filed for any taxable year beginning after December 31, 1957, gross income shall be computed without regard to the exclusion provided for in section 911 (relating to earned income from sources without the United States). For the purpose of determining whether an income tax return must be filed for any taxable year ending after December 31, 1963, gross income shall be computed without regard to the exclusion provided for in section 121 (relating to sale of residence by individual who has attained age 65). In the case of an individual claiming an exclusion under section 121, he shall attach Form 2119 to the return required under this paragraph and in the case of an individual claiming an exclusion under section 911, he shall attach Form 2555 to the return required under this paragraph.

* * * * *

PAR. 11. Section 301.6012 is amended by revising paragraph (c) of section 6012 and by revising the historical note. These amended provisions read as follows:

§ 301.6012 Statutory provisions; persons required to make returns of income.

SEC. 6012. *Persons required to make returns of income.* * * *

(c) *Certain income earned abroad or from sale of residence.* For purposes of this section, gross income shall be computed without regard to the exclusion provided for in section 121 (relating to sale of residence by individual who has attained age 65) and without regard to the exclusion provided for

in section 911 (relating to earned income from sources without the United States).

* * * * *

[Sec. 6012 as amended by sec. 72(a), Technical Amendments Act 1958 (72 Stat. 1660); sec. 206(b)(1), Rev. Act 1964 (78 Stat. 40)]

PAR. 12. Section 301.6014 is amended by revising paragraph (a) of section 6014 and by revising the historical note. These amended provisions read as follows:

§ 301.6014 Statutory provisions; income tax return—tax not computed by taxpayer.

SEC. 6014. *Income tax return—tax not computed by taxpayer*—(a) *Election by taxpayer.* An individual entitled to elect to pay the tax imposed by section 3 whose gross income is less than $5,000 and includes no income other than remuneration for services performed by him as an employee, dividends or interest, and whose gross income other than wages, as defined in section 3401(a), does not exceed $100, shall at his election not be required to show on the return the tax imposed by section 1. Such election shall be made by using the form prescribed for purposes of this section and shall constitute an election to pay the tax imposed by section 3. In such case the tax shall be computed by the Secretary or his delegate who shall mail to the taxpayer a notice stating the amount determined as payable. In determining the amount payable, the credit against such tax provided for by section 37 shall not be allowed. In the case of a head of household (as defined in section 1(b)) or a surviving spouse (as defined in section 2(b)) electing the benefits of this subsection, the tax shall be computed by the Secretary or his delegate without regard to the taxpayer's status as a head of household or as a surviving spouse. In the case of a married individual filing a separate return and electing the benefits of this subsection, neither Table V in section 3(a) nor Table V in section 3(b) shall apply.

* * * * *

[Sec. 6014 as amended by secs. 201(d)(14) and 301(b)(2), Rev. Act 1964 (78 Stat. 32, 140)]

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[F.R. Doc. 65-11211; Filed, Oct. 19, 1965; 8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 31—STAMPS, ENVELOPES, AND POSTAL CARDS

Miscellaneous Amendments

Correction

In F.R. Doc. 65-11010 appearing at page 13214 in the issue for Saturday, October 16, 1965, the following notation should be inserted immediately after the chart in § 31.1(a):

NOTE: The corresponding Postal Manual section is 141.11.

PART 48—UNDELIVERABLE MAIL

The regulations of the Post Office Department in Part 48 are amended and revised to clarify instructions for registered, certified, insured, and COD mail, and to provide that mailers of undeliverable COD mail will be sent a Form 3858. In addition, instructions are clarified as to the disposal of drugs, cosmetics, food, periodicals, and samples of merchandise to institutions. Moreover, § 48.4(b)(3) concerns the retention period of COD mail and makes reference regarding such notice on Form 3849-D.

Part 48 is revised to read as follows:

Sec.
48.1 Description.
48.2 Treatment by classes.
48.3 Return address.
48.4 Retention period.
48.5 Disposal of undeliverable mail.
48.6 Directory service.
48.7 Dead mail.

AUTHORITY: The provisions of this Part 48 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 4101-4110, 5008.

NOTE: The corresponding Postal Manual citation is Part 158.

HARVEY H. HANNAH,
Acting General Counsel.

§ 48.1 Description.

Mail that cannot be delivered because of incomplete or incorrect address, or the removal of the addressee, or is unclaimed or refused by the addressee, will be treated in accordance with this part at the office where the mail is found to be undeliverable. This includes nixie mail which is mail not transmissible because of illegible or insufficient address. Refused mail is that which is refused at time delivery is attempted; and that returned to the mail unopened by addressee and marked refused. Mail properly delivered and opened by the addressee will not be reaccepted without payment of new postage. Undelivered mail returned to the sender should not again be mailed unless enclosed in a new envelope or wrapper with a correct address and new postage.

§ 48.2 Treatment by classes.

(a) *First-class mail.* First-class mail, except postal and post cards, is returned to the sender, if known, without additional charge. Only postal and post cards that bear the sender's request for return, are returned, and postage at the card rate is collected on delivery to the sender. Mail paid at the drop-letter rate is returned to the sender at the same post office without additional charge. If the sender is at another post office, additional postage for the difference between the amount prepaid and the total postage computed at the first-class rate is collected on delivery. Any postage due because of failure to fully prepay postage at the time of mailing will be collected from the sender when the undeliverable mail is returned.

(b) *Second-class mail*—(1) *Change in local address*—(i) *Delivery for 3 months.* When there has been any kind of a change in the local address, the copies of second-class publications bearing the old local address shall be delivered to the new local address without charge for a period of 3 months even though the copies bear the request of the sender for return. The words "local address" as used in this paragraph mean any address served by the city, rural, or star carriers of any specific post office or a post office box or general delivery address at the post office. Form 3578, Change of Address Notice to Publishers, shall be furnished to the addressee at the new local address, and he shall be requested to use it promptly for furnishing the new local address to the sender. Form 3578 shall not be inserted in the copies but shall be delivered to the addressee separately from the copies.

(ii) *Procedure after 3 months.* When copies bearing the old local address are received after the period of 3 months has expired, the carrier or clerk serving the old address shall write the new local address, including ZIP Code number, on Form 3579, Undeliverable Second Class Matter, which shall then be affixed to the copies, envelopes, or wrappers, near but not over the old address. The copies shall then be delivered to the inquiry section or to the clerk designated by the postmaster to receive them. The portion of the page, envelope, or wrapper which bears both the old address, including ZIP Code number, if any, and Form 3579 shall then be cut or torn from the copies, envelopes, or wrappers, placed in an envelope, and mailed directly to the publisher, news agent, or other sender. The address on the envelope shall always include the name of the publication. Any number of notices may be returned in one envelope. Each envelope shall be rated with postage due at the rate of 10 cents for each notice contained in the envelope. Copies bearing the old address which are received after the mailing of the notice shall be disposed of as waste. When the copies bear the request of the sender for return, the portion of the page, envelope, or wrapper, shall not be detached, and after expiration of the 3 months' period each complete copy shall be returned to the sender marked to show a charge computed at the transient rate (see § 22.1(c) of this chapter) on each individually addressed copy or package of unaddressed copies, or 10 cents, whichever is higher.

(2) *Undeliverable for any reason other than change in local address.* When copies of second-class publications are undeliverable as addressed for any reason other than a change in the local address (see subparagraph (1)(i) of this paragraph), the carrier or clerk serving the old address shall prepare Form 3579 and affix it to the first undeliverable copy, or its envelope or wrapper, near but not over the old address, and then deliver the copy to the inquiry section or to the designated clerk. If a new address has been entered on the form, the ZIP Code number for that address must be shown. If the copies do not bear the request of sender for return, the notice shall be mailed to the sender in the manner prescribed by subparagraph (1)(ii) of this paragraph. Copies bearing the old address which are received after the mailing of the notice shall be disposed of as waste. When the copies bear the request of the sender for return, each complete copy, beginning with the first one undeliverable as addressed, shall be

returned to the sender marked to show the charge as provided by subparagraph (1) (ii) of this paragraph.

(3) *Pledge of addressee to pay forwarding postage.* When a change of address is other than a change of local address (see subparagraph (1) (i) of this paragraph), and the addressee has filed a written guarantee either on Form 3575 or otherwise to pay forwarding postage, the copies of second-class publications bearing the old address shall be forwarded to the new address for a period of 3 months rated with postage due at the transient rate (see § 22.1(e) of this chapter), computed on each individually addressed copy or package of unaddressed copies. Form 3578 shall be furnished to the addressee at the new address in the manner prescribed by subparagraph (1) (i) of this paragraph. If the addressee refuses to pay the postage due, the postmaster at the old address shall be requested by the postmaster at the new address to immediately discontinue forwarding the copies. When copies bearing the old address, but not the request of the sender for return, are received after the period of 3 months has expired, a notice shall be prepared and mailed to the sender in the manner prescribed by subparagraph (1) (ii) of this paragraph. Copies bearing the old address which are received after the mailing of the notice shall be disposed of as waste. When the copies bear the request of the sender for return, each complete copy beginning with the first one bearing the old address received after the period of 3 months has expired, shall be returned to the sender rated with postage due as provided in subparagraph (1) (ii) of this paragraph.

(4) *Manner in which the request of the sender shall be shown.* The words "return requested" shall be printed on the envelopes or wrappers or on one of the outside covers of unwrapped copies, and shall be immediately preceded by the sender's name and address, including ZIP Code number.

(5) *Failure to follow procedure.* When postmasters do not comply with the instructions in this paragraph their noncompliance should be brought directly to their attention by any postmaster who observes the noncompliance. In all cases where a change of address is not made by the sender within 3 months after the notice is sent on Form 3579, the postmaster at the office of mailing shall be requested on Form 3538, Irregular Handling of Undeliverable Second-Class or Controlled Circulation Publication, to instruct the sender to make the change.

(6) *Canadian publications.* The procedure prescribed by subparagraphs (1) through (3) of this paragraph shall be followed when copies of Canadian second-class publications are undeliverable as addressed.

(7) *Special circumstances.* See §§ 47.4 and 47.5 of this chapter for instructions as to forwarding publications under the special circumstances described therein.

(c) *Controlled circulation publications.* Undeliverable copies bearing the sender's request for return will be returned to the sender, and return postage at the single-piece third-class rate or fourth-class rate, or 10 cents (see subparagraph (1) (ii) of paragraph (b) of this section), whichever is higher, will be collected on delivery. Other undeliverable copies mailed by a publisher will be treated as described in subparagraphs (1) through (4) of paragraph (b) of this section.

(d) *Third-class mail.* Undeliverable third-class mail having obvious value or bearing the words "return requested" will be returned to the sender, and a charge of 8 cents or postage at the single-piece third-class rate, whichever is higher, will be collected on delivery. Third-class mail returned to sender will be marked with the new address of the addressee, if known, or if there is no new address, the reason for nondelivery. The new address shall include the ZIP Code number.

(e) *Fourth-class mail.* Undeliverable fourth-class mail having obvious value or bearing the words "return requested" will be returned to the sender, and a charge of 8 cents or postage at the applicable single-piece fourth-class rate, whichever is higher, will be collected on delivery. Fourth-class mail returned to sender will be marked with the new address of the addressee, if known, or if there is no new address, the reason for nondelivery. The new address shall include the ZIP Code number.

(f) *Airmail.* Airmail weighing 8 ounces or less will be returned by the same transportation as first-class mail at no additional charge. Airmail weighing more than 8 ounces will be returned by surface transportation at the appropriate rate according to class of mail; except that, when the mail bears instructions of the sender to return by airmail, it will be returned at the airmail rate to be collected on delivery to the sender.

(g) *Registered, certified, insured, and COD.* When mail is undeliverable as addressed and cannot be forwarded, a notice is sent to the mailer on Form 3858, Notice of Undeliverable or Abandoned Mail, showing the reason. By completing the form and returning it immediately in an envelope bearing first-class postage, the mailer may tell the postmaster what to do with the mail. Mail will be returned to the mailer if there is no response. The postage charge, if any, for returning the mail (but not registration, insurance, certified or COD fees) will be collected from the mailer. EXCEPTION: When registered, certified, insured, and COD mail is addressed to a person who has moved and left no forwarding address, Form 3858 will not be sent, and the mail will be returned immediately to the mailer. Registered, certified, insured nixie, and COD mail shall be returned immediately to sender.

(h) *Disposal of perishable mail, drugs, and cosmetics*—(1) *Perishable mail.* Undeliverable parcels containing perishable items that cannot be forwarded or returned before spoiling, and parcels of day-old poultry that cannot be delivered or returned within 60 hours after hatching, if salable will be disposed of by the postmaster through competitive bidding. Sale by bid will not be made to the addressee. The postmaster will send the proceeds of the sale, less a commission of 10 percent (but not less than 25 cents), to the mailer, by postal money order, with an explanation of the action taken. The postal money order fee will be deducted.

(2) *Drugs.* Packages undeliverable to either the addressee or the sender that contain drugs will be destroyed. They will not be sold, donated, or retained as dead parcel post.

(3) *Cosmetics.* Packages undeliverable to either the addressee or the sender that contain cosmetics, such as soaps, perfumes, powders, home permanent waves, hand lotions, hand creams, aftershave lotions, and deodorant sticks or pastes, which bear no statements claiming medicinal properties, will be treated as dead parcel post. Lipsticks will be destroyed. If there is any question whether the use of a cosmetic might, as the result of deterioration or for other reason, jeopardize life or health, the article will be destroyed.

(i) *Disposal to institutions*—(1) *Food.* Usable food items treated as dead mail may be donated to charitable institutions, or public institutions supported in whole or in part by Federal, State, county, or municipal funds. These institutions include but are not limited to hospitals, asylums, and reformatories. The following conditions apply:

(i) "Homemade" items must not be donated but must be destroyed. If any doubt exists as to whether an item is "homemade," the item shall be destroyed.

(ii) If the local municipal welfare department will assume responsibility for distribution of usable food items to eligible institutions, this method is preferred. Otherwise, postmasters shall equitably apportion the items among eligible applicant institutions.

(iii) The recipient must sign a release stating that the Postal Service is relieved of all responsibility connected with the food items or their subsequent use. Releases must be retained in post office files.

(iv) No selection shall be made by the receiving institutions as to the type or quantity of food items to be accepted.

(v) Food items must be called for as soon as possible. Postmasters may deliver these items, but only if unusual circumstances prevail.

(vi) Food items that cannot be disposed of by donation shall be destroyed.

(2) *Periodical publications.* On request, copies of undeliverable newspapers, magazines, and other periodical publications may be furnished to reformatory institutions, hospitals, asylums, and other similar institutions which are organized for charitable purposes or which are supported in whole or part by Federal, State, or municipal funds, under the following conditions:

(i) No additional clerical time shall be used in the post office over that required for disposal of the copies as waste material.

(ii) No selection shall be made by the receiving institutions as to character,

quantity, or type of publications to be furnished.

(iii) The receiving institutions shall call for the copies promptly after notification of their availability, or on a scheduled basis.

(iv) The receiving institutions shall be informed that this privilege is entirely at the option of the Postal Service and may be curtailed or discontinued at any time without notice.

(3) *Samples of merchandise.* Dispose of undeliverable samples of merchandise sent for advertising purposes, which do not bear the words "Return Requested," as follows:

(i) Remove and destroy wrappers if that is practicable and can be accomplished without additional expense, and deliver impartially to charitable or reformatory institutions that promise their free distribution.

(ii) Dispose of, as waste, samples not suitable for distribution indicated in (i) of this subparagraph except that anything of sufficient value to warrant the expense of transportation and handling must be sent to the proper dead parcel post branch without listing or recording.

(iii) Treat packages of foods, drugs, and cosmetics in accordance with paragraph (h) of this section.

§ 48.3 Return address.

The return address of the sender must be shown on the address side of mail to secure its return. Always include the ZIP Code number. The following rules apply:

(a) The proper location is in the upper left corner on envelopes, cards, labels, tags, or wrappers. On post and postal cards, and on second-class mail and third- and fourth-class mail of no obvious value, the sender must place "return requested" below the return address.

(b) The sender may in his return address request that mail (other than registered, insured, and certified) be held for not less than 3 days or more than 30 days. (See § 48.4(b) for registered, insured, and certified mail retention periods.) Examples:

Return in 3 days to Frank B. White, 2416 Front Street, St. Louis, Mo., 63135.

Return in 30 days to Frank B. White, 2416 Front Street, St. Louis, Mo., 63135, return requested.

(c) Requests to lengthen or shorten retention periods specified by sender to not less than 3 nor more than 30 days will be honored only at the sender's and not addressee's request.

§ 48.4 Retention periods.

(a) *Ordinary mail.* (1) Mail returnable under § 48.2 (a) through (f) is:

(i) Returned immediately if refused by addressee.

(ii) Returned immediately if undeliverable when specifically addressed to a street, building, rural or star route, or post office box; except that when a patron moves without leaving a change of address, the mail will be held for 10 days awaiting a forwarding order and, if no order is received in that time, the mail will then be handled as undeliverable. However, this shall not preclude compliance with sender's request in accordance with § 48.3(b).

(iii) Returned immediately, if undeliverable, when incompletely, illegibly, or incorrectly addresseed and addressee is unknown. See subdivisions (iv) and (v) of this subparagraph.

(iv) Retained in general delivery not to exceed 30 days, at request of sender, if addressed in manner to indicate addressee is expected to call for mail, or if addressee normally calls there for mail.

(v) Retained as follows when not specifically addressed or when sender does not specify a retention period:

(*a*) Five days if for delivery by village, rural, or star route carrier.

(*b*) Ten days if intended for general delivery service at an office having city carrier service, except that the mail may be held up to 30 days if the addressee has given notice to the postmaster that he will be delayed in arrival.

(*c*) Fifteen days if intended for general delivery service at an office not having city carrier service.

(2) Perishable items not marked to abandon that cannot be delivered before spoiling or day-old poultry that cannot be delivered within 60 hours after hatching are returned immediately, provided return to sender can be made prior to spoilage or within the 60 hour period. (See § 42.2(h) of this chapter.)

(3) Mail addressed and deliverable to a post office box, except registered, certified, insured, COD, and perishable, will not be returned until box is declared vacant.

(b) *Registered, insured, COD, and certified mail.* (1) Registered mail is held up to 60 days if the sender so requests by endorsement on the mail. If the sender names no specific period, the mail will be held 10 days before return. EXCEPTION: If the postmaster believes he will be able to make delivery if the mail is held longer than 10 days, it may be held up to 60 days if written permission is obtained from the sender. (See also § 48.2(g).)

(2) Insured and certified mail is held a maximum of 15 days. It is held a lesser number of days if the sender so specifies. If no rentention period is specified on refused INSURED mail, it will be returned immediately. (See also § 48.2(g).)

(3) COD mail is held a maximum of 30 days. It is held a lesser number of days if the sender so specifies. See § 53.4(c) of this chapter regarding notice on Form 3849–D.

(c) *Special delivery and special handling mail.* Special delivery and special handling articles are held for the period specified in paragraph (a) or (b) of this section, except that requests for immediate return of special delivery mail will be honored.

§ 48.5 Disposal of undeliverable mail.

Mail undeliverable at the last office of address is disposed of as follows:

(a) Postal and post cards or samples of merchandise are destroyed or sold immediately.

(b) Printed matter, including such matter as circulars, greeting cards, newspapers, magazines, and other periodical publications, obviously without value is disposed of as waste paper without examination of contents. This mail will not be torn or mutilated, before being consigned to the general waste, except when necessary to prevent improper use. Such matter as redemption coupons and uncanceled postage stamps must be burned or mutilated to prevent improper use. Magazines shall not be separated from the general waste unless their separate bulk sale by contract as waste would result in a material advantage to the Postal Service by reason of the high quality of the paper. Under no circumstances may magazines or other periodical publications be sold at a per copy rate or at auction by the post office. Contracts negotiated for the disposal of waste should contain a provision which prohibits the resale by the contractor of copies of magazines or other periodical publications to the public for reading purposes.

(c) Domestic ordinary, insured, or COD articles bearing sender's instructions to abandon are disposed of immediately after expiration of the periods stated in § 48.4.

(d) Third-class mail of no obvious value and without sender's request for return is disposed of as waste.

(e) Insured and COD articles bearing sender's instructions to destroy will be destroyed.

(f) Packages containing medicine, perishable articles, liquids, or other articles likely to injure employees, or damage equipment or other mail, or to attract pests, must be destroyed as soon as they are known to be undeliverable.

(g) Letters from Canada or Mexico with return addresses are returned to the postmaster at the post office of origin.

(h) Mail addressed to a deceased person is delivered to the executor or administrator of the estate or, if there is no executor or administrator, to the widow or widower or other claimants, except that U.S. Government pension mail is returned to the mailing Federal agency.

(i) Unclaimed franked mail from a Member of Congress, including that addressed under provisions of § 13.4(d)(2) of this chapter, and unclaimed official mail, including official reports and bulletins sent by State agricultural colleges and experiment stations, is returned to the postmaster at the office of origin if it is known. If office of origin is not known, the mail is sent to the post office at Washington, D.C. Undeliverable mail bearing return address of the White House, the Senate, or the House of Representatives, with or without postage stamps, is returned to the post office at Washington, D.C.

(j) Santa Claus letters, with postage fully prepaid (or local unpaid or partly paid), with no identification of person for whom they are intended, are sent to institutions or persons who may request them to use for exclusively philan-

thropic purposes. If there is no voluntary request, they are sent to the dead mail office.

(k) An undeliverable letter bearing the return address of a hotel, motel, school, college, or other public institution printed on the envelope as an advertisement is sent to a dead letter branch for disposition unless the return address also includes the name or title of an individual or a printed or written request for return.

(l) Other mail, including first-class and airmail, bearing no return address is sent to a dead letter or dead parcel post branch for final disposition. See § 48.7(b)(1).

(m) Coins should be stripped from undeliverable circulars and their value should be accounted for as Miscellaneous Nonpostal Receipts, A/C 40990.

§ 48.6 Directory service.

Directory service is not generally available, but at carrier offices where a directory is available, directory service is given to registered, certified, insured, COD, special delivery, and special handling mail; to perishable matter and parcels of obvious value; and to international mail, except circulars. Incorrectly or incompletely addressed mail from overseas Armed Forces is given directory service and is not returned to the sender until every effort is made to deliver it. See § 4.5 of this chapter for directory service in connection with natural disasters.

§ 48.7 Dead mail.

(a) *Definition.* Dead mail is matter deposited in the mail which is or becomes undeliverable, or is unmailable, and which cannot be returned to the sender.

(b) *Treatment*—(1) *At last office of address.* At the end of retention periods specified in § 48.4, mail is declared dead. Dead mail described in § 48.5 (a), (b), (c), (d), (e), and (f) is disposed of locally. First-class letters, first-class parcels, and other articles that have obvious value are forwarded on fixed schedules to dead letter or dead parcel post branches for final disposition.

(2) *At dead mail office.* (i) Mail is examined and opened when necessary to find the name and address of the sender or addressee.

(ii) A fee of 10 cents is charged for delivery to sender or addressee of each letter and first-class parcel opened in the dead mail office.

(iii) If the sender or addressee cannot be identified, the following retention periods are observed:

(*a*) Letters of domestic origin with enclosures of value, 1 year.

(*b*) Other letters, none.

(*c*) Letters containing merchandise, and third- and fourth-class mail containing valuables (including first-class mail not in the form of a letter, addressed to another country), 60 days: if posted in violation of law or treaty, 6 months.

(iv) Dead mail that cannot be delivered to addressee or sender is destroyed or sold.

[F.R. Doc. 65-11213; Filed, Oct. 19, 1965; 8:47 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Army

In Federal Register Document 65-10836 appearing in the issue for October 12, 1965, at page 12937, the heading should read "Department of the Army".

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65-11186; Filed, Oct. 19, 1965; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 13]

EXAMINATION, MEASUREMENT, AND TESTING OF CERTAIN FRUIT JUICES

Proposed Finding of Average Brix Values

Notice is given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C 1003) that under the authority of section 624 of the Tariff Act of 1930 (19 U.S.C. 1624), and general headnote 11 and headnote 3(b), subpart A, part 12, schedule 1, of the Tariff Schedules of the United States (19 U.S.C. 1202, gen. hdnote 11, sch. 1, pt. 12A, hdnote 3(b)), it is proposed to make a finding of average Brix values for certain natural unconcentrated fruit juice in the Trade and Commerce of the United States and to incorporate the values determined to be the average Brix value for such fruit juices in § 13.19 of the Customs Regulations. The Brix values so determined will be used in the liquidation of entries of such juices entered, or withdrawn from warehouse, for consumption on or after August 31, 1963, the effective date of the Tariff Schedules of the United States.

The fruit juices for which average Brix values are to be determined and the values which are proposed are as follows:

Kind of fruit juice	*Average Brix value (degrees)*
Carob	40.0
Crabapple	15.4
Gooseberry	8.3
Mango	17.0
Naranjilla	10.5
Passion Fruit	15.3
Peach	11.8
Pomegranate	18.2
Quince	13.3
Tamarind	55.0

Prior to the issuance of the finding of average Brix values, consideration will be given to any relevant data, views, or arguments relating thereto which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington, D.C., 20226, and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: October 12, 1965.

JAMES POMEROY HENDRICK,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 65-11210; Filed, Oct. 19, 1965; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 39]

[Docket No. 6970]

AIRWORTHINESS DIRECTIVES

Curtiss-Wright Model C-46 Airplanes

Amendment 349 (26 F.R. 9816), AD 61-22-5, as amended by Amendment 556 (28 F.R. 3781), requires an inspection of the weld bead between the drag strut tube and the lower end fittings on the main landing gear of Curtiss-Wright Model C-46 airplanes. Subsequent to the issuance of Amendment 349, the Agency has determined that all the cracks that could result in a failure of the main gear could not be detected using the inspection methods required in this AD. Therefore, it is proposed to amend Part 39 of the Federal Aviation Regulations by adding an airworthiness directive superseding Amendment 349 to require an X-ray or equivalent method of inspection of the weld bead between the drag strut tube and the lower end fittings on the main gear of Curtiss-Wright Model C-46 airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before November 19, 1965, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

CURTISS-WRIGHT. Applies to Model C-46 Series airplanes.

Compliance required as indicated.

To prevent failure of the main landing gear drag struts, accomplish the following, unless already accomplished:

(a) Within the next 200 hours' time in service after the effective date of this AD, inspect the weld in the main landing gear drag strut that joins the lower end fittings, P/N 20-310-1018-2, to the drag strut tubes, P/N 20-310-1017-7 and -8, for the presence of a space or notch formed by the filleted shoulder on the end fitting and the weld. If the weld bead does not extend from the strut tube to the outer edge on the shoulder of the fitting, completely filling the area between the tube and the shoulder, this area must be inspected for external and internal cracks using X-ray or an FAA-approved equivalent. If cracks are found, the drag strut must be replaced before further flight.

(b) When inspected in accordance with (a), if the weld bead extends from the drag strut tube, P/Ns 20-310-1017-7 and -8, to the outer edge on the shoulder of the lower end fitting, P/N 20-310-1018-2, completely filling the area between the tube and the shoulder, no further inspections are required by this AD.

(c) When inspected in accordance with (a), if the weld bead does not extend from the drag strut tube, P/Ns 20-310-1017-7 and -8, to the outer edge on the shoulder of the lower end fitting, P/N 20-310-1018-2, completely filling the area between the tube and the shoulder, compliance with (d) (1) and (2), or (e) is required.

(d) (1) Reinspect struts, inspected in accordance with (a), at intervals not exceeding 400 hours' time in service from the last inspection.

(2) Replace cracked parts before further flight.

(e) Fill in the space or notch between the tube and the shoulder using an FAA-approved method or replace the affected assembly with an assembly on which the space or notch does not exist. If the space or notch is filled in or if the affected part is replaced with an assembly on which the space or notch does not exist, no further inspections are required by this AD.

(f) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Southern Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

This supersedes Amendment 349 (26 F.R. 9816) AD 61-22-5, as amended by Amendment 556 (28 F.R. 3781).

Issued in Washington, D.C., on October 13, 1965.

C. W. WALKER,
Acting Director, Flight Standards Service.

[F.R. Doc. 65-11190; Filed, Oct. 19, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-EA-41]

CONTROL ZONES AND TRANSITION AREAS

Proposed Alteration and Designation

The Federal Aviation Agency is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations which would alter the Westover, Mass. (29 F.R. 17640) and Westfield, Mass. (29 F.R. 17640) control zones, designate a 700-foot floor transition area over Westover AFB Chicopee Falls, Mass.,

Southbridge Airport, Southbridge, Mass., Barnes Airport, Westfield, Mass., Gardner Municipal Airport, Gardner, Mass., Dillant-Hopkins Airport, Keene, N.H., Orange Municipal Airport, Orange, Mass., and Jaffrey Municipal Airport, Jaffrey, N.H.; a 1,200-foot floor Chicopee Falls, Mass. Transition Area.

The controlled airspace in the aforesaid terminal areas is presently composed of the Westfield and Westover, Mass., control zones, a portion of Chicopee Falls, Mass. (29 F.R. 17561), Boston, Mass. (29 F.R. 17559), Keene, N.H. (29 F.R. 17566), Springfield, Vt. (29 F.R. 17577), and Windsor Locks, Conn. (29 F.R. 17580) Control Area Extensions.

The proposed alteration of the Westover, Mass., control zone would shorten the existing extensions to the northeast and add an extension to the southwest to provide protection for KC-97 type aircraft departing Runway 23. The Westfield, Mass., control zone alteration would add two new extensions to the west and northwest to provide protection for aircraft departing Runways 27 and 33 respectively.

The 700-foot floor transition area requirements for Dillant-Hopkins, Jaffrey, Gardner Municipal and Orange Municipal Airports have been consolidated into one full time transition area even though night operations are not authorized at Orange Municipal Airport. Separating the transition areas for these airports would be impractical because of the numerous exclusions required due to overlapping airspace.

The 700- and 1,200-foot floor transition areas would provide protection for aircraft executing prescribed holding, radar, arrival procedures down to 700 feet above the surface and departure procedures to above 700 feet above the surface.

The floors of airways which traverse the transition areas proposed herein would coincide with the floors of the transition areas.

Specific details of the changes to procedures and minimum flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y., 11430.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y., 11430. All communications received within 45 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Branch, Eastern Region.

Any data, or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Agency having completed a comprehensive review of the airspace requirement for the terminal area of Orange, Southbridge, Gardner, Chicopee Falls, Westfield, Mass., and Keene, N.H., and Jaffrey, N.H., attendant to the implementation of the provision of Civil Air Regulation Amendments 60-21 and 60-29 (26 F.R. 570; 27 F.R. 4012) proposes the airspace actions hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Westover, Mass., control zone and insert in lieu thereof:

WESTOVER, MASS.

Within a 5-mile radius of the center, 42°11'40" N., 72°32'15" W., Westover AFB, Chicopee Falls, Mass.; within 2 miles each side of the Westover ILS localizer NE course extending from the 5-mile radius zone to 10 miles NE of the OM; within 2 miles each side of Chicopee TACAN 028° radial extending from the 5-mile radius zone to 8 miles NE of the TACAN and within 2 miles each side of the centerline of Runway 23 extended 7 miles SW from the end of the runway.

2. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Westfield, Mass., control zone and insert in lieu thereof:

WESTFIELD, MASS.

Within a 5-mile radius of the center, 42°09'25" N., 72°42'50" W., of Barnes Airport, Westfield, Mass.; within 2 miles each side of the 189° bearing from the Westfield RBN, extending from the 5-mile radius zone to the RBN; within 2 miles each side of the centerline of Runway 33 extended 7.5 miles NW from the end of the runway and within 2 miles each side of the centerline of Runway 27 extended 7 miles W from the end of the runway excluding the portion within the Westover, Mass., control zone. This control zone shall be in effect from 0700 to 2300 hours, local time, daily.

3. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700- and 1,200-foot floor Chicopee Falls, Mass., transition area described as follows:

CHICOPEE FALLS, MASS.

That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, 42°11'40" N., 72°32'15" W., of Westover AFB, Chicopee Falls, Mass.; within 7 miles each side of the Chicopee Falls, Mass., ILS localizer NE course extending from the 12-mile radius area to 13 miles NE of the outer marker and within a 10-mile radius of the center, 42°09'25" N., 72°42'50" N., of Barnes Airport, Westfield, Mass., excluding that portion within the Hartford, Conn., transition area.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: 42°55'00" N., 72°00'00" W. to 42°05'00" N., 72°00'00" W. to 41°55'00" N., 71°59'00" W. to 42°02'00" N., 72°07'00" W. to 42°02'00" N., 73°16'00" W. to 43°11'00" N., 72°39'00" W. to 43°05'00" N., 72°13'00" W. to point of beginning.

4. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor Keene, N.H., transition area described as follows:

KEENE, N.H.

That airspace extending upward from 700 feet above the surface bounded by a line beginning at: 43°01'00" N., 72°27'00" W. to 43°01'00" N., 72°13'00" W. to 42°55'00" N., 72°00'00" W. to 42°51'30" N., 71°54'00" W. to 42°28'00" N., 71°54'00" W. to 42°28'00" N., 72°27'00" W. to the point of beginning excluding that portion within the Boston, Mass., transition area.

5. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor Southbridge, Mass., transition area described as follows:

SOUTHBRIDGE, MASS.

That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center, 42°06'05" N., 72°02'20" W., of Southbridge Airport, Southbridge, Mass.; and within 2 miles each side of the Putnam VOE 315° radial extending from the 4-mile radius area to the VOR.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on October 8, 1965.

OSCAR BAKKE,
Director, Eastern Region.

[F.R. Doc. 65-11191; Filed, Oct. 19, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-EA-76]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations which would alter the Willoughby, Ohio, transition area (29 F.R. 11705) so as to designate a 700-foot floor transition area over Casement Airport, Painesville, Ohio.

The proposed designation would protect aircraft executing recently authorized approach procedures down to 700 feet above the surface and departure procedures above 700 feet above the surface.

For ease of definition and charting, we have consolidated the 700-foot floor transition area requirements for Casement Airport with those of Lost Nation Airport and Cuyahoga County Airport, Willoughby, Ohio. This will permit the designation of one 700-foot floor transition area that would provide protection for all three airports.

The floors of airways which traverse the transition areas proposed herein would coincide with the floors of the transition areas.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division,

Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y., 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Agency having reviewed the airspace requirements for the terminal area of Painesville, Ohio, proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Willoughby, Ohio, transition area and insert in lieu thereof:

WILLOUGHBY, OHIO

"That airspace extending upward from 700 feet above the surface within the area bounded by a line beginning at: 41°45'00" N., 81°32'00" W. to 41°48'00" N., 81°10'00" W. to 41°42'00" N., 81°05'00" W. to 41°39'-00" N., 81°08'00" W. to 41°39'00" N., 81°-15'00" W. to 41°29'00" N., 81°27'00" W. to 41°29'00" N., 81°31'00" W. to 41°33'00" N., 81°36'00" W. to point of beginning."

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on October 8, 1965.

OSCAR BAKKE,
Director, Eastern Region.

[F.R. Doc. 65-11192; Filed, Oct. 19, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-CE-32]

TRANSITION AREAS

Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations which would alter controlled airspace in the Springfield, Ill., and Decatur, Ill., terminal areas.

The following airspace is presently designated in the Springfield, Ill., and Decatur, Ill., terminal areas.

1. The Decatur, Ill., transition area is designated as that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Decatur Municipal Airport (latitude 39°50'03" N., longitude 88°52'52" W.), and within 2 miles each side of the Decatur VOR 351° radial, extending from the 5-mile radius area to the VOR; and that airspace extending upward from 1,200 feet above the surface within a 15-mile radius of the Decatur VOR and within 10 miles S and 6 miles N of the Decatur VOR 285° radial extending from the 15-mile radius area to the arc of a 15-mile radius circle centered at latitude 39°53'32" N., longitude 89°37'31" W.

2. The Springfield, Ill., transition area is designated as that airspace extending upward from 700 feet above the surface within a 7-mile radius of Capital Airport, Springfield, Ill. (latitude 39°50'35" N., longitude 89°40'35" W.), within 2 miles each side of the Springfield RR 214° bearing, extending from the 7-mile radius area to 12 miles SW of the RR, and within 2 miles each side of the ILS localizer SW course, extending from the 7-mile radius area to 12 miles S of the OM; and that airspace extending upward from 1,200 feet above the surface within a 26-mile radius of Capital Airport, extending clockwise from the Capital VOR 164° radial to a line 5 miles SE of and parallel to the Capital VOR 058° radial; within a 15-mile radius of the Capital VOR, extending clockwise from a line 5 miles SE of and parallel to the Capital VOR 058° radial to the Capital VOR 164° radial; that airspace extending from the 26-mile radius area bounded on the E by longitude 89°33'00" W., on the SE by V-426, on the S by the arc of a 33-mile radius circle centered on the Lambert-St. Louis Municipal Airport (latitude 38°44'50" N., longitude 90°21'55" W.), on the W by the W boundary of V-9W and longitude 90°10'-00" W.; and that airspace W of Springfield within 6 miles N and 10 miles S of the Capital VOR 269° radial, extending from the 26-mile radius area to 45 miles W of the VOR.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Decatur, Ill. and Springfield, Ill., terminal areas, proposes the following airspace actions:

1. Redesignate the Decatur, Ill., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Decatur Municipal Airport (latitude 39°50'03" N., longitude 88°52'52" W.), and within 2 miles each side of the Decatur VOR 351° radial, extending from the 5-mile radius area to the VOR; and that airspace extending upward from 1,200 feet above the surface within a 15-mile radius of the Decatur VOR and within 10 miles S and 6 miles N of the Decatur VOR 285° radial extending from the 15-mile radius area to the arc of a 26-mile radius circle centered on Springfield, Ill., Capital Airport (latitude 39°50'35" N., longitude 89°40'35" W.).

2. Redesignate the Springfield, Ill., transition area as that airspace extending upward from 700 feet above the surface within a 7-mile radius of Capital Airport, Springfield, Ill. (latitude 39°50'-35" N., longitude 89°40'35" W.); within 2 miles each side of the Springfield RR 214° bearing, extending from the 7-mile radius area to 12 miles SW of the RR, and within 2 miles each side of the ILS localizer SW course, extending from the 7-mile radius area to 12 miles S of the OM; and that airspace extending upward from 1,200 feet above the surface within a 26-mile radius of Capital Airport; that airspace extending from the 26-mile radius area bounded on the E by longitude 89°33'00" W., on the SE by V-426, on the S by the arc of a 33-mile radius circle centered on the Lambert-St. Louis Municipal Airport (latitude 38°44'50" N., longitude 90°21'55" W.), on the W by the W boundary of V-9W and longitude 90°10'00" W.; and that airspace W of Springfield within 6 miles N and 10 miles S of the Capital VOR 269° radial, extending from the 26-mile radius area to 45 miles W of the VOR.

Three approaches serving Springfield, Ill., Capital Airport have been modified to include DME arc transition procedures. Development of these arc transition procedures requires modification of the Springfield, Ill., transition area to provide controlled airspace for aircraft executing these procedures. To preclude dual designation of airspace, the recommended modification to Springfield, Ill., transition area requires modification of the Decatur, Ill., transition area.

The proposed 1,200-foot floor Springfield, Ill., transition area would provide controlled airspace protection for DME arc transitions to three approach procedures serving Capital Airport. The floors of the airways that traverse the transition areas proposed herein would automatically coincide with the floors of the transition areas.

Specific details of the changes to procedures that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on October 6, 1965.

DONALD S. KING,
Acting Director, Central Region.

[F.R. Doc. 65-11193; Filed, Oct. 19, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-CE-122]

CONTROL ZONES, TRANSITION AREAS AND CONTROL AREA EXTENSION

Proposed Alteration, Designation and Revocation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations which would alter controlled airspace in the La Crosse, Wis., and Winona, Minn., terminal areas.

The following controlled airspace is presently designated in the vicinity of La Crosse, Wis.:

(1) The La Crosse control zone is designated as that airspace within a 5-mile radius of La Crosse Municipal Airport (latitude 43°52'38" N., longitude 91°-15'21" W.); within 2 miles each side of the 146° and 305° bearings from the La Crosse RBN, extending from the 5-mile radius zone to 8 miles NW of the RBN; and within 2 miles either side of the La Crosse VOR 322° radial extending from the 5-mile radius zone to 12 miles NW of the VOR.

(2) The La Crosse control area extension is designated as that airspace within a 25-mile radius of the La Crosse Airport (latitude 43°52'40" N., longitude 91°-15'20" W.), extending clockwise from V-2 SE of La Crosse to V-82 W of La Crosse, and within a 15-mile radius of the La Crosse VOR.

There is no controlled airspace presently designated in the Winona, Minn., terminal area.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the La Crosse, Wis., and Winona, Minn., terminal areas, proposes the following airspace actions:

(1) Alter the La Crosse, Wis., control zone by redesignating it as that airspace within a 5-mile radius of La Crosse Municipal Airport (latitude 43°52'33" N., longitude 91°15'21" W.), and within 2 miles each side of the 305° and 142° bearings from the La Crosse RBN, extending from the 5-mile radius zone to 8 miles NW of the RBN.

(2) Designate the Winona, Minn., control zone as that airspace within a 5-mile radius of Max Conrad Field, Winona, Minn. (latitude 44°04'34" N., longitude 91°42'25" W.), within 2 miles each side of the 107° bearing from Max Conrad Field extending from the 5-mile radius zone to 8 miles E of the airport, and within 2 miles each side of the 319° bearing from Max Conrad Field extending from the 5-mile radius zone to 8 miles NW of the airport. This control zone shall be effective during the times established by a Notice to Airmen and continuously published in the Airman's Information Manual.

(3) Designate the La Crosse, Wis., transition area as that airspace extending upward from 700 feet above the surface within a 9-mile radius of La Crosse Municipal Airport (latitude 43°52'38" N., longitude 91°15'21" W.), and within 2 miles each side of the La Crosse VOR 185° radial extending from the 9-mile radius area to 15 miles S of the VOR; and that airspace extending upward from 1,200 feet above the surface within 8 miles E and 5 miles W of the La Crosse VOR 185° radial extending from the VOR to 18 miles S of the VOR, within 8 miles SW and 5 miles NE of the La Crosse VOR 322° radial extending from the VOR to 12 miles NW of the VOR, and within 8 miles SW and 5 miles NE of the 305° bearing from the La Crosse RBN extending from the RBN to 12 miles NW of the RBN.

(4) Designate the Winona, Minn., transition area as that airspace extending upward from 700 feet above the surface within a 7-mile radius of Max Conrad Field, Winona, Minn. (latitude 44°04'34" N., longitude 91°42'25" W.), within 2 miles each side of the 107° bearing from Max Conrad Field extending from the 7-mile radius area to 8 miles E of the airport, and within 2 miles each side of the 319° bearing from Max Conrad Field, extending from the 7-mile radius area to 8 miles NW of the airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles SW and 5 miles NE of the 319° bearing from Max Conrad Field extending from the airport to 12 miles NW of the airport, and within 8 miles S and 5 miles N of the 107° bearing from Max Conrad Field extending from the airport to 12 miles E of the airport, excluding the portion which overlies the La Crosse, Wis., transition area.

(5) Revoke the La Crosse, Wis., control area extension in its entirety.

The proposed alteration to the La Crosse control zone would revoke the extension based on a VOR radial which is no longer required. The proposed Winona control zone, when effective, will provide protection for departing aircraft during climb to 700 feet above the surface and for aircraft executing the prescribed instrument approach procedure during descent below 1,000 feet above the surface at Max Conrad Field, Winona, Minn., during the hours of operation of the weather reporting service to be provided by certificated personnel of North Central Airlines. The normal hours for the taking of these weather observations, and the dissemination of this information, are dependent on airline scheduling operations. Normally 30 days notice will be given prior to any change of these hours by a Notice to Airmen, and continuously published in the Airman's Information Manual. Communications at Winona will be available down to and including the runway surface from the La Crosse, Wis., Flight Service Station through the Winona VOR facility.

The proposed 700-foot floor transition areas provide protection for arriving and departing aircraft during descent from 1,500 feet to 1,000 feet above the surface, and during climb from 700 feet to 1,200 feet above the surface. The 700-foot floor transition area at Winona will also provide protection for arriving aircraft during descent to 700 feet above the surface when the control zone is not in effect. The 1,200-foot floor transition areas will provide protection for aircraft while in the procedure turn areas of the prescribed instrument approach procedures at Max Conrad Field, Winona, Minn., and at the La Crosse, Wis., Municipal Airport, as well as for the holding patterns at the two airports.

The floors of the airways that traverse the transition areas proposed herein would automatically coincide with the floors of the transition areas.

Certain minor revisions to the prescribed instrument approach procedures would be effected in conjunction with the action proposed herein, but operational complexity would not be increased nor would aircraft performance or present landing minimums be adversely affected.

Specific details of the changes to procedures that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on October 6, 1965.

DONALD S. KING,
Acting Director, Central Region.

[F.R. Doc. 65-11194; Filed, Oct. 19, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-CE-125]

CONTROL ZONE, TRANSITION AREAS AND CONTROL AREA EXTENSION

Proposed Designation, Alteration and Revocation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the controlled airspace in the Rochester, Minn., terminal area.

The following controlled airspace is presently designated in the vicinity of Rochester:

(1) The Rochester, Minn., control zone is designated as that airspace within a 5-mile radius of Rochester Municipal Airport (latitude 43°54'33" N., longitude 92°29'42" W.); within 2 miles either side of the Rochester ILS localizer SE course extending from the 5-mile radius zone to the OM and within 2 miles either side of the Rochester VOR 030° radial extending from the 5-mile radius zone to the VOR.

(2) The Rochester, Minn., control area extension is designated as that airspace within a 15-mile radius of the Rochester Municipal Airport (latitude 43°54'33" N., longitude 92°29'42" W.); within 5 miles either side of the Rochester VOR 209° radial extending from the 15-mile radius area to 15 miles SW of the VOR; the airspace N and E of Rochester bounded on the W by V-82, on the NW by the arc of a 30-mile radius circle centered on the Minneapolis-St. Paul International Airport (latitude 44°-53'05" N., longitude 93°13'15" W.), on the NE by V-2 and on the S by V-82.

(3) The Le Roy, Iowa, transition area is designated as that airspace extending upward from 1,200 feet above the surface within 9 miles E and 6 miles W of the Rochester, Minn., VOR 173° radial, extending from 17 miles S to 44 miles S of the VOR.

(4) The Preston, Minn., transition area is designated as that airspace extending upward from 1,200 feet above the surface within 9 miles N and 6 miles S of the Rochester, Minn., VOR 105° radial, extending from 25 miles E to 52 miles E of the VOR.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Rochester terminal area, including studies attendant to the implementation of the provisions of Amendments 60-21 (26 F.R. 570) and 60-29 (27 F.R. 4012) of Part 60 of the Civil Air Regulations, proposes the following airspace actions:

(1) Revoke the Rochester, Minn., control area extension in its entirety.

(2) Revoke the Le Roy, Minn., transition area in its entirety.

(3) Revoke the Preston, Minn., transition area in its entirety.

(4) Alter the Rochester, Minn., control zone by redesignating it as that airspace within a 5-mile radius of Rochester Municipal Airport (latitude 43°54'38" N., longitude 92°29'46" N.) and within 2 miles each side of the Rochester VOR 029° radial, extending from the 5-mile radius zone to 15 miles NE of the VOR; and within 2 miles each side of the Rochester ILS localizer SE course, extending from the 5-mile radius zone to the OM; and within 2 miles each side of the Rochester VOR 030° radial, extending from the 5-mile radius zone to the VOR.

(5) Designate a transition area at Rochester, Minn., comprising that airspace extending upward from 700 feet above the surface within a 7-mile radius of Rochester Municipal Airport (latitude 43°54'38" N., longitude 92°29'46" W.); and within 2 miles each side of the Rochester VOR 029° radial, extending from the 7-mile radius area to 23 miles NE of the VOR; and within 5 miles SW and 8 miles NE of the Rochester ILS localizer SE course, extending from 5 miles NW to 12 miles SE of the OM; and within 2 miles each side of the Rochester ILS localizer NW course, extending from the 7-mile radius area to 19 miles NW of the OM; and that airspace extending upward from 1,200 feet above the surface within a 23-mile radius of Rochester Municipal Airport; and the airspace N and E of Rochester bounded on the W by the W edge of V-82, on the NW by the arc of a 36-mile radius circle centered on the Minneapolis-St. Paul International Airport (latitude 44°53'05" N., longitude 93°13'15" W.), on the NE by V-2, and on the S by V-82; and within 5 miles W and 7 miles E of the Rochester VOR 173° radial, extending from the 23-mile radius area to 38 miles S of the VOR; and within 5 miles S and 7 miles N of the Rochester VOR 105° radial, extending from the 23-mile radius area to 45 miles E of the VOR, excluding the portion which overlies the Winona, Wis., transition area.

The proposed control zone would provide controlled airspace protection for arriving and departing aircraft at Rochester Municipal Airport during descent from 1,000 feet above the surface and during climb to 700 feet above the surface.

The proposed 700-foot floor transition area would provide controlled airspace protection for aircraft executing the prescribed instrument approach procedures at Rochester during the portion of those procedures executed between 1,500 and 1,000 feet above the surface. It would also provide controlled airspace protection for departing aircraft during climb from 700 to 1,200 feet above the surface.

The proposed 1,200-foot floor transition area would provide controlled airspace protection for the procedure turn areas for the prescribed ILS-runway 13 and VOR-DME runway 2 approach procedures. It would also provide protection for aircraft holding at the ILS outer marker, and the VOR, and Ellie, Le Roy and Preston intersections. The 1,200 foot floor transition area north and east of Rochester would provide the necessary flexibility for radar vectoring of aircraft arriving and departing Minneapolis and Rochester.

The proposed transition area would replace the Rochester control area extension. It would also include the Le Roy and Preston transition area; thus, eliminating the necessity for separate transition area designations.

Certain minor revisions to the prescribed instrument approach procedures would be effected in conjunction with the actions proposed herein, but operational complexity would not be increased nor would aircraft performance or present landing minimums be adversely affected.

The floors of the airways that traverse the transition areas proposed herein would automatically coincide with the floors of the transition areas.

Specific details of the changes to procedures that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on October 6, 1965.

DONALD S. KING,
Acting Director, Central Region.

[F.R. Doc. 65-11195; Filed, Oct. 19, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-CE-126]

TRANSITION AREA, CONTROL ZONES AND CONTROL AREA EXTENSION

Proposed Designation, Alteration and Revocation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations which would alter controlled airspace in the Grand Forks, N. Dak., terminal area.

The following controlled airspace is presently designated in the Grand Forks, N. Dak., terminal area:

1. The Grand Forks, N. Dak., control area extension is designated as that airspace W of the Grand Forks VOR 355° and 175° radials within a 30-mile radius of the Grand Forks AFB (latitude 47°-57'35" N., longitude 97°24'10" W.), including the airspace SE of Grand Forks within 10 miles E and 7 miles W of the Grand Forks VOR 158° and 338° radials extending from 8 miles NW to 20 miles SE of the VOR. The portion of this control area extension within R-5402 shall be used only after obtaining prior approval from appropriate authority.

2. The Grand Forks, N. Dak. (International Airport), control zone is designated as that airspace within a 5-mile radius of Grand Forks International Airport (latitude 47°57'05" N., longitude 97°10'47" W.), and within 2 miles each side of the Grand Forks VOR 322° radial, extending from the 5-mile radius zone to 1 mile NW of the VOR.

3. The Grand Forks, N. Dak. (Grand Forks Air Force Base), control zone is designated as that airspace within a 5-mile radius of Grand Forks AFB (latitude 47°57'40" N., longitude 97°24'00" W.) and within 2 miles either side of the Grand Forks AFB ILS localizer S course extending from the 5-mile radius zone to 12 miles S of the OM. The portion of this control zone within R-5402 shall be used only after obtaining prior approval from appropriate authority.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Grand Forks, N. Dak., terminal area, including studies attendant to the implementation of the provisions of the Civil Air Regulations Amendments 60-21/60-29, proposes the following airspace actions:

1. Revoke the Grand Forks, N. Dak., control area extension.

2. Redesignate the Grand Forks, N. Dak. (International Airport) control zone as that airspace within a 5-mile radius of Grand Forks International Airport (latitude 47°57'06" N., longitude 97°11'08" W.), and within 2 miles each side of the Grand Forks VOR 006° and 173° radials extending from the 5-mile radius zone to 8 miles N and S of the VOR.

3. Redesignate the Grand Forks, N. Dak. (Grand Forks Air Force Base) control zone as that airspace within a 5-mile radius of Grand Forks AFB (latitude 47°57'40" N., longitude 97°24'00" W.), and within 2 miles either side of the Red River TACAN 359° radial, extending from the 5-mile radius zone to 1 mile north of the VOR, and within 2 miles either side of the Red River TACAN 359° radial, extending from the 5-mile radius zone to 7 miles N of the TACAN.

4. Designate the Grand Forks, N. Dak. (International Airport) transition area as that airspace extending upward from 700 feet above the surface within an 8-mile radius of Grand Forks International Airport (latitude 47°57'06" N., longitude 97°11'03" W.), within 5 miles W and parallel to the Grand Forks VOR 173° radial extending from the 8-mile radius area to 4 miles S of the radius area, within 8 miles E and parallel to the Grand Forks VOR 173° radial extending from the 8-mile radius area to 4 miles S of the radius area, within a 10-mile radius of the Grand Forks Air Force Base (latitude 47°57'35" N., longitude 97°24'-10" W.); and that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of the Grand Forks Air Force Base (latitude 47°57'35" N., longitude 97°24'10" W.), extending clockwise from the eastern edge of V 131E S of Grand Forks to the east edge of V 131 N of Grand Forks.

The proposed control zones will provide protection for aircraft executing prescribed instrument approach procedures at Grand Forks International Airport and Grand Forks AFB during their descent below 1,000 feet above the surface and for departing aircraft at the two locations during their climb to 700 feet above the surface.

The proposed 700-foot floor transition area will provide protection for arriving aircraft at Grand Forks International Airport and Grand Forks AFB during their descent from 1,500 to 1,000 feet above the surface and for departing aircraft at the two locations during their climb to 1,200 feet above the surface.

The 1,200-foot floor transition area will provide controlled airspace for the portions of the prescribed instrument approach procedures for Grand Forks AFB. In addition, it will provide for the required flexibility in radar vectoring of aircraft arriving and departing the Grand Forks terminal area.

The transition area proposed herein will replace the present control area extension.

The floors of the airways that traverse the transition area proposed herein would automatically coincide with the floors of the transition area.

Certain minor revisions to the prescribed instrument approach procedures would be affected in conjunction with the action proposed herein, but operational complexity would not be increased nor would aircraft performance or present landing minimums be adversely affected.

Specific details of the changes to procedures that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on October 6, 1965.

DONALD S. KING,
Acting Director, Central Region.

[F.R. Doc. 65-11196; Filed, Oct. 19, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-CE-128]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would designate controlled airspace in the Livingston, Mont., terminal area.

Presently there is no designated controlled airspace in the Livingston, Mont., terminal area.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Livingston terminal area, as a result of the development of an instrument approach procedure for Mission Field, Livingston, Mont., proposes the following airspace action:

Designate a transition area in the Livingston, Mont., terminal area to comprise that airspace extending upward from 1,200 feet above the surface within 5 miles NE and 8 miles SW of the Livingston VORTAC 150° and 330° radials, extending from 7 miles SE to 14 miles NW of the VORTAC; and within a 12-mile radius of the Livingston VORTAC, extending from the 261° VORTAC radial clockwise to the 085° VORTAC radial.

The proposed instrument approach procedure will become effective concurrently with the designation of the above controlled airspace.

The proposed transition area would provide controlled airspace protection for aircraft executing the proposed prescribed instrument approach procedure during descent to 1,200 feet above the surface. It would also provide controlled airspace protection for aircraft holding at the Livingston VORTAC.

The transition area proposed herein was developed for a new approach procedure. Therefore, no procedural changes will be required as a result of this proposal.

The floors of the airways that traverse the transition area proposed herein would automatically coincide with the floor of the transition area.

Specific details of the new instrument approach procedure for Mission Field

may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on October 6, 1965.

DONALD S. KING,
Acting Director, Central Region.

[F.R. Doc. 65-11197; Filed, Oct. 19, 1965; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 74]

[Docket No. 16240; FCC 65-930]

TELEVISION AUXILIARY BROADCAST STATIONS

Station Identification

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has under consideration the petition for rule making filed on February 9, 1965, jointly by American Television Co., Inc., Southwestern Operating Co., Nevada Radio-Television, Inc., and Southern Nevada Radio & Television Co.,[1] requesting modification of section 74.682 of the rules which sets forth the station identification requirements for television auxiliary broadcast stations. Supporting statements have been filed by Las Vegas Television, Inc., and Frontier Broadcasting Co.[2]

3. Petitioners seek relaxations of the TV auxiliary station identification rules for television auxiliary broadcast stations which include television pickup stations, television STL stations, and television intercity relay stations. The present rules require each television auxiliary broadcast station to identify itself by transmitting its call sign at the beginning and end of each period of operation. During operation the call sign of the station or the associated TV broadcast station must be transmitted on the hour. Such identification transmissions need not interrupt program continuity. When stations are operated in an integrated relay system, the station at the point of origination may transmit the call signs of all the stations in the system. The transmissions of the call sign shall normally employ the type of emission for which the station is authorized, i.e., a visual transmitter shall employ visual identification and an aural transmitter shall employ aural identification. When the transmitter is used for visual transmission only, the identifying call sign may be transmitted in International Morse code by keying the radio frequency carrier or a modulating signal impressed on the carrier. The Commission may, at its discretion, specify other means of identification.

4. According to the petitioners, the principal problems of the present rule as applied to television intercity relay stations are lack of equipment, accurate timing of identification to prevent program intrusion, routine deletion of identification where network transmission of special programs calls for station-breaks at times other than precisely preceding each hour, and insufficient times during network breaks for identification of all relay stations on extensive systems. Furthermore, television relay transmitters permanently installed on common-carrier systems licensed under Part 21 of the rules are not required to be periodically identified by call sign transmission. Petitioners suggest that the same station identification requirements should apply to the intercity relays that carry the same television signals.

5. Petitioners claim very few relay transmitters are used for visual transmission only. The associated television audio is usually transmitted via a frequency-modulated subcarrier. Slide projectors, camera chains, synchronizing generators, and switching and control equipment are necessary to generate visual station identification on the visual portion of the transmission. Petitioners further allege that Morse code tone identifications have little utility in identifying the signals except as they are received and processed through the associated relay receiving terminals. Specialized equipment and complicated techniques are necessary to extract the identification. Potential interference arising from malfunctions of the transmitter would be extremely small due to the low transmitter powers and highly directive antennas employed.

6. With regard to STL relay stations petitioner believes that the identification requirement is superfluous since adequate identification is transmitted by the associated television broadcast station. In the case of TV pickup relay stations the call sign of the associated TV broadcast station would be permitted as an alternative. We believe that the suggested modification of Section 74.682 of the rules should be considered and are now inviting comments from interested parties to submit their views on the petitioners' revision which reads as follows:

§ 74.682 Station identification.

(a) Each television pickup station and each television STL station shall be identified by transmitting its call sign or the call sign of the associated television broadcast station by aural or visual means. Such identification shall be made at the beginning and end of each period of operation and on the hour during operation.

(b) Hourly identification need not be made when such transmission would interrupt a single consecutive speech, play, religious service, symphony concert, or any type of production.

(c) Where more than one television auxiliary broadcast station is employed in an integrated system for a remote pickup or for a studio-transmitter link, the originating station in the system may transmit the call signs of all the stations in the system.

(d) Where television pickup stations are operated by networks originating signals for more than one affiliate, the hourly identification requirement can be met by the transmission of the network identification.

(e) Requirements of this section shall not apply to television intercity relay stations.

7. We would further modify § 74.682 by deleting paragraph (c) in its entirety because it appears at variance with paragraph (a) above and invite comments from interested parties.

8. Authority for the adoption of the amendments proposed herein is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

9. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before November 22, 1965, and reply comments on or before December 7, 1965. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information be-

[1] Stations licensed to the petitioners are: American Television Co., Inc., KFSA-TV, Fort Smith, Ark., and KFOY-TV, Hot Springs, Ark.; Southwestern Operating Co., KGNS-TV, Laredo, Tex.; Nevada Radio-Television, Inc., KOLO-TV, Teno, Nev.; and Southern Nevada Radio & Television Co., KORK-TV, Las Vegas, Nev.

[2] Las Vegas Television, Inc., is the licensee of Station KLAS-TV, Channel 8, Las Vegas, Nev. Frontier Broadcasting Co. is the licensee of television stations KFBC-TV, Channel 5, Cheyenne, Wyo.; KSTF, Channel 10, Scottsbluff, Nebr.; and KTVS, Channel 3, Sterling, Colo.

fore it, in addition to the specific comments invited by this notice.

10. In accordance with the provisions of § 1.417 of the rules, an original and 14 copies of all written comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: October 13, 1965.

Released: October 15, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-11235; Filed, Oct. 19, 1965; 8:49 a.m.]

[47 CFR Part 87]

[Docket No. 16239; FCC 65-926]

EMERGENCY FREQUENCY

Use by Additional Aeronautical Ground Stations

1. Notice of proposed rule making in the above-entitled matter is hereby given.

2. The frequency 121.5 Mc/s is a universal simplex emergency and distress frequency made available in the Aviation Services to provide a clear channel between an aircraft in distress or condition of emergency and certain ground stations. This frequency may be used by radio stations aboard aircraft for emergency direction finding purposes and for search and operation by aircraft not equipped to transmit on 121.6 Mc/s. The present rules provide for use of the frequency 121.5 Mc/s on the ground by aeronautical enroute and airdrome control stations; however, the frequency has been authorized, on a case-by-case basis to other aeronautical ground stations.

3. It is felt that if the availability of this frequency is extended to other ground stations on a regular basis in the Aviation Services, it will allow a substantially larger number of ground stations to have the capability to provide emergency and distress communications and thereby enhance aviation safety. The proposed amendment will make this frequency available to the following ground stations: Search and Rescue Mobile, Flight Test, Instructional, Multicom, and Advisory.

4. This proposed amendment is issued pursuant to authority contained in sections 303 (b), (c), and (r) of the Communications Act of 1934, as amended.

5. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before November 22, 1965, and reply comments on or before December 6, 1965. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

6. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: October 13, 1965.

Released: October 15, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

Part 87 is amended as follows:

1. Section 87.253 is amended to read as follows:

§ 87.253 Frequencies available.

(a) 122.8 and 123.0 megacycles, 6A3 emission: For communications with private aircraft stations.

(b) 121.5 megacycles: This is a universal simplex emergency and distress frequency for air-ground communications and will not be assigned unless a regular aeronautical advisory frequency is assigned and available for use to accommodate normal communications needs.

2. Section 87.271 is amended to read as follows:

§ 87.271 Frequencies available.

(a) 122.9 Mc/s, 6A3 emission: This frequency is available on the condition that no harmful interference is caused to the aeronautical advisory service.

(b) 121.5 Mc/s: This is a universal simplex emergency and distress frequency for air-ground communications and will not be assigned unless the regular aeronautical multicom frequency is assigned and available for use to accommodate normal communications needs.

3. In § 87.331, a new paragraph (d) is added to read as follows:

§ 87.331 Frequencies available.

* * * * *

(d) 121.5 megacycles: This is a universal simplex emergency and distress frequency for air-ground communications and will not be assigned unless a regular flight test frequency is assigned and available for use to accommodate normal communications needs.

4. Section 87.341 is amended to read as follows:

§ 87.341 Frequencies available.

(a) The frequencies 123.1, 123.3, and 123.5 Mc/s are available for assignment to ground and aircraft instructional stations on the basis that interference is not caused to flight test stations. Normally, one frequency will be assigned to each station at a fixed location; mobile stations will be assigned all these frequencies.

(b) 121.5 megacycles: This is a universal simplex emergency and distress frequency for air-ground communications and will not be assigned unless a regular instructional frequency is assigned and available for use to accommodate normal communications needs.

5. Section 87.441 is amended to read as follows:

§ 87.441 Frequencies available.

(a) The frequency 121.6 megacycles is available for use by aeronautical search and rescue mobile stations.

(b) 121.5 megacycles: This is a universal simplex emergency and distress frequency for air-ground communications and will not be assigned unless the regular search and rescue mobile frequency is assigned and available for use to accommodate normal communications needs.

[F.R. Doc. 65-11236; Filed, Oct. 19, 1965; 8:49 a.m.]

[3] Commissioner Hyde absent.

[1] Commissioner Hyde absent.

FEDERAL TRADE COMMISSION

[16 CFR Part 303]

TEXTILE FIBER IDENTIFICATION

Application for Generic Name for Manufactured Fiber by Allied Chemical Corp.; Postponement of Hearing Date

On April 12, 1965, Allied Chemical Corp., New York, N.Y., filed an application with the Federal Trade Commission for the establishment of a generic name for a manufactured fiber produced by Allied Chemical Corp. On June 29, 1965, the Commission issued a notice of proposed rule making under the Textile Fiber Products Identification Act which notice was published in the FEDERAL REGISTER on July 2, 1965. The notice incorporated the pertinent parts of such application, and provided that a public hearing would be held on the application on September 14, 1965. On September 1, 1965, Allied Chemical Corp., filed an amendment to its application for generic name.

As a result of such amendment, the date for presentation of oral views, arguments, and data on the application was postponed until October 21, 1965, and notice of such postponement was published in the FEDERAL REGISTER on September 11, 1965.

On October 13, 1965, Allied Chemical Corp. filed a written request for postponement of the hearing date in the instant matter. Such notice set forth the reasons for such request and stated in pertinent part:

> Reference application of Allied Chemical Corp. filed April 12, 1965, as amended for establishment of generic name for new manufactured fiber. Comments recently received from fiber producers indicate need for additional time to permit clarification of issues and full presentation of all aspects of amended application at public hearing. Postponement of hearing now scheduled for October 21, 1965, believed necessary in best interests of Commission, public, and other interested parties. Accordingly respectfully request that hearing be postponed for approximately 90 days and be rescheduled for date during week of January 17, 1966.

As a result of such request by Allied Chemical Corp. and after consideration of the reasons stated therein, notice is hereby given that the date of presentation of oral views, arguments, and data on the application of Allied Chemical Corp. for generic name for manufactured fiber is postponed until January 19, 1966.

Interested parties may participate by submitting in writing on or before such date, their views, arguments, or other pertinent data to the Federal Trade Commission, Washington, D.C., 20580 or they may be given orally at such time. Any party wishing to submit further views, arguments, or data in response to that submitted as a result of this notice or the original notices may do so in writing at any time within 30 days after such hearing is closed.

Views, arguments, and pertinent data may be presented orally on the 19th day of January, 1966, at 10 a.m., e.s.t., at Room 7314, 1101 Building, 1101 Pennsylvania Avenue NW., in the City of Washington, District of Columbia.

Such action is taken pursuant to the authority given to the Federal Trade Commission under section 7(c) of the Textile Fiber Products Identification Act (72 Stat. 1717; 15 U.S.C. 70) "to make such rules and regulations, including the establishment of generic names of manufactured fibers, under and in pursuance of the terms of this Act as may be necessary and proper for administration and enforcement."

Issued: October 15, 1965.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65-11198; Filed, Oct. 19, 1965; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 246]

[49 CFR Ch. I]

REGULATIONS GOVERNING FEES FOR SERVICES PERFORMED IN CONNECTION WITH LICENSING AND RELATED ACTIVITIES

Notice of Proposed Rule Making

At a general session of the Interstate Commerce Commission, held at its Office in Washington, D.C., on the 8th day of October A.D. 1965.

It appearing, that in the provisions of the Independent Offices Appropriation Act of 1952 (5 U.S.C. 140), Congress stated, "that any work, service, publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration, or similar thing of value or utility performed, furnished, provided, granted, prepared or issued by any Federal agency * * * to or for any person * * *, except those engaged in the transaction of official business of the Government, shall be self-sustaining to the full extent possible." In order to bring about the accomplishment of this objective, section 140 of title 5 authorizes each agency to prescribe by regulation such fees and charges as shall be determined to be fair and equitable "taking into consideration direct and indirect cost to the Government, value to the recipient, public policy or interest served, and other pertinent facts."

It further appearing, that the enabling legislation referred to above also provides that the fees and charges shall be as uniform as practicable and subject to such policies as the President may prescribe. The Bureau of the Budget operating in behalf of the President issued Circular No. A-25, September 23, 1959, which sets forth general policies for developing an equitable and uniform system of charges for certain Government services and property so as to implement the provisions of the Independent Offices Appropriation Act of 1952;

It further appearing, that the Interstate Commerce Commission provides many services for those persons subject to its jurisdiction as well as for the general public in the course of its regulatory activities without charge therefor;

It further appearing, that certain of the services performed convey special benefits to identifiable recipients above and beyond those which accrue to the general public;

It further appearing, that the Government has adopted the policy that the recipient of special benefits conveyed by a Federal agency should pay a reasonable charge for the benefits received. In accordance with this policy, the Commission has determined that the public interest would be served by the establishment of fair and equitable fees covering the special benefits conveyed by the Interstate Commerce Commission to the recipients thereby recouping for the Government a portion of the Commission's cost for rendering those services;

And it further appearing, that in determining the proposed schedule of fees set out in the appendix hereto considerable effort has been directed towards selecting those services provided by the Commission which are readily identifiable and assigning to each a fair and equitable assessment taking into consideration cost to the Government, value to the recipient, public policy or interest served, and other pertinent considerations.

It is ordered, That a proceeding be, and it is hereby, instituted under authority of the Independent Offices Appropriation Act of 1952 (5 U.S.C. 140), Budget Bureau Circular No. A-25 of September 23, 1959, and section 4 of the Administrative Procedure Act (5 U.S.C. 1003) for the purpose of determining (1) whether a schedule of fees should be established, (2) whether the attached schedule of fees is reasonable, and, if not, what fees would be reasonable, and (3) whether fees for other special services not included in said appendix should be charged;

It is further ordered, That any interested person be, and he is hereby, invited to submit to this Commission on or before December 15, 1965, representations[1] consisting of an original and 20 copies, setting forth facts relative to the schedule of fees in the appendix hereto;

And it is further ordered, That a copy of this order be served on the Public Utility Commissions or Boards, or similar regulatory bodies, of each State; that a copy be posted in the Office of the Secretary of the Interstate Commerce Commission for public inspection; and that a copy be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

APPENDIX

All filing fees will be payable at the time and place of tender of filing and will be charged regardless of whether the application is granted, designated for hearing, or otherwise handled. Fees will be payable to the Interstate Commerce Commission by cashier checks, certified checks, or postal money orders. The proposed schedule of fees is as follows:

SCHEDULE OF FILING FEES

Service for which a fee is to be charged	*Fee*
1. An application for certificate authorizing the construction, extension, acquisition, or operation of lines of railroad, filed under Part I, section 1 (18)-(20) or to abandon all or portion of a line of railroad or the operation thereof under Part I, section 1(18)	$200
2. An application of two or more carriers to consolidate or merge their properties or franchises, or any part thereof, into one corporation for the ownership, management and operation of the properties theretofore in separate ownership under Part I, section 5(2); or an application of a carrier or carriers to purchase, lease or contract to operate the properties of another, or to acquire control of another by purchase of stock or otherwise, under Part I, section 5(2); or an application of a noncarrier to acquire control of two or more carriers through ownership of stock or otherwise under Part I, section 5(2)	200
3. An application to acquire trackage rights over or joint ownership in or joint use of, any railroad lines owned and operated by any other carrier and terminals incidental thereto under Part I, section 5(2)	200

[1] In lieu of verification under oath, any statement of facts contained in the representations may be made subject to the following declaration: "I solemnly declare that I have examined the foregoing document and that to the best of my knowledge and belief the representations of fact contained therein are true.", (Signature)

SCHEDULE OF FILING FEES—Continued

Service for which a fee is to be charged	*Fee*
4. An application under Part I, section 20a or 20b or under Part II, section 214	$200
5. Notice or petition to discontinue train or ferry service under Part I, section 13a(1) or 13a(2)	200
6. An application for approval of an agreement under Part I, section 5a	200
7. An application to amend an approved agreement under Part I, section 5a	200
8. An application for permanent authority under Part II, sections 206, 207, 209, or 211; Part III, section 309; Part IV, section 410; or a petition to remove or alter an operating restriction included in a certificate issued under Parts II, III, or IV	200
9. An application for exemption under Part II, section 204(a) 4(a); or Part III, sections 302 or 303	200
10. An application for transfer of a certificate or permit under Part II, section 212(b); Part III, section 312; or Part IV, section 410(g)	50
11. An application for use of terminal facilities under Part I, section 3(5)	125
12. An application for authority to hold position of officer or director under Part I, section 20a(12)	10
13. An application for authority to deviate from authorized regular route (49–CFR § 211)	10
14. An application for temporary authority under Part II, section 210a (a) or 210a(b); or Part III, section 311(a) or 311(b). No fee for applications for emergency temporary authority under section 210a(a)	40
15. An application for the pooling or division of traffic under section 5(1)	100
16. Petitions to modify permits of motor carriers, Part II, section 209	50
17. Petitions to renew authority to transport explosives, Part II, sections 207 and 209	5
18. An application for approval of motor vehicle contracts under Ex Parte No. MC–43	10
19. An application for a determination of fact of competition under Part I, section 5(15) (Panama Canal Act)	100

SCHEDULE OF FILING FEES—Continued

Service for which a fee is to be charged	*Fee*
20. An application for relief of Part I, section 4	$100
21. An application for approval of specific released rate under Part I, section 20(11)	125
22. An application for Special Permission for waiver of tariff-publishing requirements or for short-notice, except applications to postpone the effectiveness of suspended schedules, when carrier or agent is requested to do so, in order to afford the Commission more time for disposition of the proceeding or to postpone the scheduled effective date of protested schedules or those for which a fourth section application has been filed, in order to afford the Boards more time within which to process the protests or applications	15
23. Application for extension of time for removal of flues on locomotives	25

The proposed schedule of fees does not contemplate that separate fees will be paid on related applications filed by the same applicants which would be the subject of one proceeding, such as a single petition for application for modification of one or more certificates or permits; a related plan of track relocation, joint use, purchase, and securities; or a section 5 motor common carrier acquisition with a related section 207 application, etc. In such instances, only one fee will be charged based upon the services rendered calling for the highest fee set forth above. On the other hand, the proposed schedule of fees contemplates that fees will be assessed for the filing of temporary authority applications under sections 210a(a) (other than applications for emergency temporary authority), 210a(b), 311 (a), and 311(b), since such applications, although they may be related to a basic application for permanent authority, are subject to separate proceedings.

[F.R. Doc. 65–11223; Filed, Oct. 19, 1965; 8:47 a.m.]

[49 CFR Parts 1–7]

[Ex Parte 198]

ESTABLISHMENT OF FEES FOR LICENSING AND RELATED ACTIVITIES

Notice of Proposed Rule Making

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 8th day of October A.D. 1965.

It appearing that pursuant to the provisions of Title V of the Independent Offices Appropriation Act of 1952 (5 USC 140), and Bureau of the Budget Circular A–25 dated November 5, 1953, issued to implement the provisions of Title V, the Commission on February 16, 1954, instituted a rule-making proceeding (19 F.R. 1061) in the matter of Establishing of Fees for Licensing and Related Activities, identified as Ex Parte 198;

It further appearing that on April 19, 1954, the Commission announced that because of probable congressional hearings on the subject, the rule-making proceeding was suspended;

And it further appearing, that upon consideration of the provisions of Title V of the Independent Offices Appropriations Act, 1952, and Bureau of the Budget Circular A–25 dated September 23, 1959, the Commission on October 8, 1965, instituted a rule-making proceeding, Ex Parte 246, Regulations Governing Fees for Services Performed in Connection with Licenses and Related Activities;

It is ordered, That rule-making proceeding Ex Parte 198, Establishment of Fees for Licensing and Related Activities be and it is hereby discontinued.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 65–11221; Filed, Oct. 19, 1965; 8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Oregon 016849 (Wash.)]

OREGON

Notice of Proposed Withdrawal and Reservation of Land

OCTOBER 11, 1965.

The Corps of Engineers, U.S. Department of the Army, has filed an application, Serial No. Oregon 016849 (Wash.) for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws (Chap. 2, 30 U.S.C.) and mineral leasing laws.

The applicant desires to use the land for project planning and the construction of a dam to provide power, flood control, and navigation facilities on the Snake River and for other purposes in connection with the Lower Granite Lock and Dam Project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 710 NE. Holladay, Portland, Oreg., 97232.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Corps of Engineers.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

WASHINGTON

WILLAMETTE MERIDIAN

T. 13 N., R. 43 E.,
Sec. 25, Lot 3, NE¼SE¼.
T. 12 N., R. 44 E.,
Sec. 25, NE¼SW¼.
T. 13 N., R. 44 E.,
Sec. 33, Lot 5.
T. 11 N., R. 45 E.,
Sec. 23, Lot 3.

The areas described aggregate 158.70 acres.

DOUGLAS E. HENRIQUES,
Land Office Manager.

[F.R. Doc. 65-11201; Filed, Oct. 19, 1965; 8:46 a.m.]

Geological Survey

[Wyoming 128]

WYOMING

Coal and Noncoal Land Classification Order

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

SIXTH PRINCIPAL MERIDIAN, WYOMING

COAL LANDS

T. 42 N., R. 108 W.,
Sec. 25, E½NW¼.

NONCOAL LANDS

T. 42 N., R. 103 W.,
Secs. 1 to 5, inclusive;
Sec. 8, NE¼, N½NW¼;
Sec. 9, N½, E½SW¼, SE¼;
Secs. 10 to 13, inclusive;
Sec. 14, N½, NE¼SW¼, SE¼;
Sec. 15, NE¼, N½NW¼, N½SE¼;
Sec. 16, N½NE¼;
Sec. 23, N½NE¼, SE¼NE¼;
Sec. 24;
Sec. 25, N½NE¼, W½NW¼.
T. 43 N., R. 108 W.,
Secs. 25 and 26;
Secs. 32 to 36, inclusive.

The area described aggregates 12,961 acres, more or less, of which about 80 acres are classified as coal lands, and about 12,881 acres are classified as noncoal lands.

ARTHUR A. BAKER,
Acting Director.

OCTOBER 12, 1965.

[F.R. Doc. 65-11199; Filed, Oct. 19, 1965; 8:46 a.m.]

MONTANA AND CERTAIN OTHER STATES

Definitions of Known Geologic Structures of Producing Oil and Gas Fields

Former paragraph (c) of § 227.0, Part 227, Title 30, Chapter II, Code of Federal Regulations (1947 Supp.), codification of which has been discontinued by a document published in Part II of the FEDERAL REGISTER dated December 31, 1948, is hereby supplemented by the addition of the following list of defined structures effective as of the dates shown:

NAME OF FIELD	EFFECTIVE DATE	ACREAGE
(26) MONTANA		
Volt	June 8, 1965	1,480
(31) NEW MEXICO		
Chaveroo	July 20, 1965	1,440
Lusk (revision and consolidation of Lusk, West Lusk, and Watkins fields).	June 15, 1965	13,025
(34) NORTH DAKOTA		
Dimmick Lake (revision)	June 18, 1965	2,200
Flaxton-Woburn	February 1, 1965	10,232
Fryburg-Scoria (revision)	June 18, 1965	13,071
Rival-Lignite-Portal	December 31, 1964	22,746
Sherwood (revision)	December 2, 1964	3,768
(44) UTAH		
Red Wash (revision)	August 2, 1965	62,397
(50) WYOMING		
Waltman (revision)	February 13, 1965	9,623
Wamsutter (revision)	September 30, 1964	3,609

ARTHUR A. BAKER,
Acting Director.

OCTOBER 13, 1965.

[F.R. Doc. 65-11200; Filed, Oct. 19, 1965; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CELANESE CORPORATION OF AMERICA

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 6B1817) has been filed by Celanese Corp. of America, 522 Fifth Avenue, New York, N.Y., 10036, proposing an amendment to § 121.2550 of the food additive regulations to provide for the use of 1,3-butanediol in the manufacture of closure-sealing gaskets for food containers.

Dated: October 13, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-11229; Filed, Oct. 19, 1965; 8:48 a.m.]

FRANK B. ROSS CO., INC.

Notice of Filing of Petition for Food Additive

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5B1696) has been filed by Frank B. Ross Co., Inc., 6-10 Ash Street, Jersey City, N.J., 07304, proposing that paragraph (c)(5) of § 121.2550 *Adhesives* be amended by inserting alphabetically in the list "Components of Adhesives" a new item "*N,N'*-Distearoylethylenediamine."

Dated: October 14, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-11230; Filed, Oct. 19, 1965; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-40]

ATOMIC DISPOSAL COMPANY, INC.

Notice of Proposed Issuance of Byproduct and Source Material License

Please take notice that the Atomic Energy Commission is considering the issuance of a license, set forth below, which would authorize Atomic Disposal Company, Inc., Matteson, Ill., to receive packaged waste byproduct and source material at customers' facilities, transport the packages to its facility located at 21621 Oak Street, Matteson, Ill., store the packages, and transfer them to authorized land burial sites for disposal. The license would also authorize receipt of packaged waste byproduct and source material by Atomic Disposal Co., Inc., at its facility. Under the license, Atomic Disposal Co., Inc., would not possess more than 1,000 curies of hydrogen 3, 1,000 curies of other byproduct material, and 15,000 pounds of source material.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this proceeding see: (1) The application and amendments thereto and (2) the related memorandum prepared by the Division of Materials Licensing, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of Item 2 above may be obtained at the Commission's Public Document Room, or upon request to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director of Materials Licensing.

Dated at Bethesda, Md., October 14, 1965.

For the Atomic Energy Commission.

J. A. McBRIDE,
Director,
Division of Materials Licensing.

ATOMIC DISPOSAL COMPANY, INC.

[Docket No. 27-40]

PROPOSED BYPRODUCT AND SOURCE MATERIAL LICENSE

[License No. 12-11286-1]

The Atomic Energy Commission having found that:

A. The applicant's equipment, facilities, and procedures are adequate to protect health and minimize danger to life or property.

B. The applicant is qualified by training and experience to conduct the proposed operations in such manner as to protect health and minimize danger to life or property.

C. The application dated December 23, 1964, and amendments thereto dated February 18, 1965; April 20, 1965; July 15, 1965; August 16, 1965; and undated document received August 30, 1965, comply with the requirements of the Atomic Energy Act of 1954, as amended, and Title 10, Code of Federal Regulations, Chapter 1, and is for a purpose authorized by that act, and

D. The issuance of the license will not be inimical to the common defense and security or to the health and safety of the public.

License No. 12-11286-1 is hereby issued to read as follows:

Pursuant to the Atomic Energy Act of 1954, as amended, 10 CFR 30, "Rules of General Applicability to Licensing of Byproduct Material," 10 CFR 40, "Licensing of Source Material," and in reliance upon the statements and representations contained in the application dated December 23, 1964, and amendments thereto dated February 18, 1965; April 20, 1965; July 15, 1965; August 16, 1965; and undated document received August 30, 1965, a license is hereby issued to receive at customers' facilities or at a facility located at 21621 Oak Street, Matteson, Ill., transport to and store at a facility located at 21621 Oak Street, Matteson, Ill., waste byproduct and source material, and to dispose of these materials by transfer to authorized land burial sites.

This license shall be deemed to contain the conditions specified in section 183 of the Atomic Energy Act of 1954, as amended, and is subject to the provisions of 10 CFR 20, "Standards for Protection Against Radiation," all other applicable rules, regulations, orders of the Atomic Energy Commission now or hereafter in effect, and to the following conditions:

1. The licensee shall not possess at any one time more than:

A. 1,000 curies of Hydrogen 3,

B. 1,000 curies of other byproduct material,

C. 15,000 pounds of source material.

2. Operations shall be conducted by Carl J. Collica. Operations may be conducted by Thomas Philip, James Winans, and/or Frank Pastorelle upon completion of the training program described in the application.

3. The transportation of AEC-licensed material shall be subject to the applicable regulations of the Interstate Commerce Commission, U.S. Coast Guard, and other agencies of the United States having appropriate jurisdiction, and where such regulations are not applicable shall be in accordance with the following requirements except as specifically provided by the Atomic Energy Commission:

A. *Outside Shipping Containers*—

(1) The containers shall meet any one of the following specifications described in Appendix A attached hereto:

a. Specification 15A, 15B, 12B, 6A, 6B, 17C, 17H, 19A, or 19B for the containment of radioactivity in amounts not in excess of 2.7 curies; except polonium, 2 curies; or

b. Specification 55 for containment of solid cobalt 60, cesium 137, iridium 192, or gold 198 in amounts not in excess of 300 curies.

(2) There shall be no radioactive contamination on any exterior surface of the container in excess of 500 d/m/100 sq. cm. alpha and 0.1 mrem/hr beta-gamma radiation.

(3) The smallest dimension of the container shall not be less than 4 inches.

(4) The radiation level at any accessible surface of the container shall not exceed 200 mrem/hr.

(5) At one meter from any point on the radioactive source the radiation level shall not exceed 10 mrem/hr.

(6) Containers which contain radioactive material emitting only alpha and/or beta radiation shall contain sufficient shielding to prevent the escape of primary corpuscular radiation to the exterior surface so that it does not exceed 10 mrem/24 hours at any time during transportation.

B. *Inside Containers*—

(1) Solid and gaseous radioactive materials shall be packed in suitable inside containers designed to prevent rupture and leakage under conditions incident to transportation.

(2) Liquid radioactive materials must be packed in sealed glass, earthenware, or other suitable containers. The container must be surrounded on all sides by an absorbent material sufficient to absorb the entire liquid contents and be of such nature that its efficiency will not be impaired by chemical reactions with the contents. Where shielding is required the absorbent material must be placed within the shield. If the inside container meets the Specification 2R in Appendix A the absorbent material is not required.

(3) Materials containing radioisotopes of plutonium, americium, polonium, or curium, or the isotope strontium 90, in quantities in excess of 100 microcuries, must be packed in containers which meet Specification 2R in Appendix A.

C. *Shielding.*—Inside containers must be completely surrounded with sufficient shielding to meet the requirements of subparagraphs A(4), A(5), and A(6) of this condition. The shield must be so designed that it will not open or break under conditions incident to transportation.

D. *Labeling*—Each outside container label required under section 20.203(f) of 10 CFR 20 shall bear the following information:

(1) Total activity in millicuries, or in the case of source and special nuclear material, the total weight;

(2) Principal radioisotopes;

(3) Radiation level at the surface of the container and at one meter from the source; and

(4) The name and address of the licensee.

E. Each vehicle in which licensed material is transported shall be marked or placarded on each side and the rear with lettering at least 3 inches high as follows: "DANGEROUS—RADIOACTIVE MATERIAL."

F. *Accidents*—In the event of an accident involving any vehicle transporting licensed material, immediate steps shall be taken to prevent radioactive exposure of persons and to control contamination.

G. *Exemptions*—Specific approval must be obtained from the Atomic Energy Commission for modification of, or exemption from, the requirements of this license condition. Requests for such approval should be directed to the Chief, Isotopes Branch, Division of Materials Licensing, Atomic Energy Commission, and should contain sufficient information to support such a request.

4. The licensee shall store byproduct and source material only at its facility located at 21621 Oak Street, Matteson, Ill.

5. The licensee shall not open packages containing byproduct and source material.

6. Except as specifically provided otherwise by this license, the licensee shall receive, transport, store, and dispose of byproduct and source material in accordance with the procedures and limitations contained in the application dated December 23, 1964, and amendments thereto dated February 18, 1965; April 20, 1965; July 15, 1965; August 16, 1965; and undated document received August 30, 1965.

This license shall be effective on the date issued and shall expire 2 years from the last day of the month in which this license is issued.

Dated at Bethesda, Md., ------ ------.

For the Atomic Energy Commission.

------ ------,
Director,
Division of Materials Licensing.

[F.R. Doc. 65-11207; Filed, Oct. 19, 1965; 8:47 a.m.]

[Docket No. 50-20]

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

Notice of Issuance of Facility License Amendment

Please take notice that no request for a formal hearing having been filed following publication of the notice of proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 7 to Facility License No. R-37. The license, as previously amended, authorized the Massachusetts Institute of Technology to operate its heavy water moderated research reactor, located on its campus in Cambridge, Massachusetts, at steady state power levels up to two thermal megawatts. Amendment No. 7 authorizes (1) an increase in the steady state maximum power level to 5 thermal megawatts, (2) an increase in the limit on excess reactivity from 0.118 to 0.160, and (3) the use of new fuel storage facilities for the storage of unirradiated fuel elements. The amendment was requested by the licensee in an application dated November 5, 1963, and supplements thereto dated March 20, 1964, June 8, 1964, July 6, 1964, and August 19, 1964.

The license amendment, as issued, is substantially in the form of the Notice of Proposed Issuance of Facility License Amendment published in the FEDERAL REGISTER on September 25, 1965, 30 F.R. 12310, except that the Schedule of Transfers of Special Nuclear Material referenced therein has been added.

Dated at Bethesda, Md., this 12th day of October 1965.

For the Atomic Energy Commission.

E. G. CASE,
Acting Director,
Division of Reactor Licensing.

[F.R. Doc. 65-11185; Filed, Oct. 19, 1965; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16150-16152; FCC 65M-1334]

RADIO DISPATCH, INC.

Order Changing Place of Hearing

In re applications of Radio Dispatch, Inc., for renewal of the license for station KOA268 in the Domestic Public Land Mobile Radio Service at Seattle, Wash., Docket No. 16150, File No. 163-C2-R-63; for renewal of the license for tion KOA268 in the Domestic Public Land Mobile Radio Service at Tacoma, Wash., Docket No. 16151, File No. 48-C2-R-63; for renewal of the license for station KOA606 in the Domestic Public Land Mobile Radio Service at Everett, Wash., Docket No. 16152, File No. 343-C2-R-63.

The Chief Hearing Examiner having under consideration a motion on behalf of the applicant, filed October 11, 1965, for field hearing in the above-entitled proceeding, which previously was scheduled to commence November 2, 1965, in the offices of the Commission, Washington, D.C.;

It appearing, that the motion is supported by a showing of good and sufficient cause and is not opposed by the Chief of the Commission's Common Carrier Bureau, the only other party to the proceeding:

Accordingly, it is ordered, This 14th day of October 1965, that the motion is granted; and that the place of hearing in the above-entitled proceeding is hereby changed from Washington, D.C., to Seattle, Wash.

Released: October 14, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-11238; Filed, Oct. 19, 1965; 8:49 a.m.]

[Docket No. 16213; FCC 65M-1333]

STAR BROADCASTING, INC.

Order Continuing Hearing

In the matter of Cease and Desist Order to be directed against Star Broadcasting, Inc., licensee of broadcast station KISN, Vancouver, Wash.; Docket No. 16213:

It is ordered, This 14th day of October 1965, that the order released October 7, 1965, in the above-entitled proceeding (FCC 65M-1301; Mimeo No. 74468) is amended to provide for commencement of the hearing on December 1, 1965, in Vancouver, Wash., in lieu of November 17, 1965.

Released: October 14, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-11239; Filed, Oct. 19, 1965; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License 934]

BENNETT FORWARDING CO.

Order To Show Cause

On September 27, 1965, the American Employers' Insurance Co. notified the Commission that the surety bond filed pursuant to section 44(c), Shipping Act, 1916 (46 U.S.C. 1245), by J. E. Bennett d/b/a Bennett Forwarding Co. would be canceled. This cancellation is to become effective October 27, 1965.

Section 44(c) of the Shipping Act, 1916 (46 U.S.C. 1245) and section 510.5 (f) of General Order 4 (46 CFR) provide that no license shall remain in force unless such forwarder shall have furnished a bond.

Section 44(d) of the Shipping Act, 1916 (46 U.S.C. 1245) provides that licenses may, after notice and hearing, be suspended or revoked for willful failure to comply with any provision of the Act, or with any lawful rule of the Commission promulgated thereunder.

Therefore, it is ordered, That J. E. Bennett d/b/a Bennett Forwarding Co., 326 Shell Building, Houston, Tex., on or before October 21, 1965, either (1) submit a valid bond effective on or before October 27, 1965, or (2) show cause in writing or request a hearing to be held at 10 a.m. on October 25, 1965, in Room 505, Federal Maritime Commission, 1321

H Street NW., Washington, D.C., 20573, to show cause why its license should not be suspended or revoked pursuant to section 44(d), Shipping Act, 1916.

It is further ordered, That the Director, Bureau of Domestic Regulation, forthwith revoke License No. 934, if the licensee fails to comply with this order.

It is further ordered, That a copy of this order to show cause and all subsequent orders in this matter be served upon the licensee and be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

[F.R. Doc. 65-11225; Filed, Oct. 19, 1965; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4318]

AMERICAN GAS CO. AND AMERICAN GAS CO. OF WISCONSIN, INC.

Notice of Proposed Issue and Sale of Notes to Bank, Proposed Sale by Parent Company of Its Entire Holdings of Subsidiary's Common Stock, Solicitation of Proxies, and Request for Order

OCTOBER 14, 1965.

Notice is hereby given that American Gas Co. ("American"), a registered holding company, and its public utility subsidiary company, American Gas Co. of Wisconsin, Inc. ("Wisconsin"), 546 South 24th Avenue, Omaha, Nebr., 68105, have filed a joint application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 7, 12(c), 12(d), and 5(d) of the Act as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

American, which in 1964 registered as a holding company under the Act, is a public utility company and also owns 1,590,500 shares (88 percent) of the outstanding shares of $1 par value common stock of Wisconsin, its sole public utility subsidiary company. American and Wisconsin are relatively new enterprises, having commenced the retail distribution of natural gas in October 1959 and December 1963, respectively.

As at June 30, 1965, American's total assets (including the common stock of Wisconsin, carried on the books at cost of $1,590,500) amounted to $4,025,604. At the same date, its outstanding securities consisted of $700,000 principal amount of 6½ percent first mortgage bonds due 1985, all held by the State of Wisconsin Investment Board ("Investment Board"); $2,300,000 principal amount of 6½ percent subordinated debentures due 1978, all publicly held; short-term notes in the principal amount of $169,000 as at October 1, 1965, held by Harris Trust and Savings Bank, Chicago, Illinois ("Harris Trust"); and 382,370 shares of $1 par value common stock, publicly held.

As at June 30, 1965, Wisconsin's total assets amounted to $4,024,897. At the same date, its outstanding securities consisted of 1,806,500 shares of $1 par value common stock; $2,100,000 principal amount of 6½ percent first mortgage bonds due 1986; and (as at October 1, 1965) $195,000 principal amount of short-term notes, held by Harris Trust. All of Wisconsin's first mortgage bonds and 216,000 shares (12 percent) of its common stock are held by the Investment Board.

In order to provide funds urgently needed by American and Wisconsin in their respective public-utility businesses and, in the case of American, to make a semiannual interest payment of $74,750, due November 1, 1965, on its outstanding 6½ percent subordinated debentures and to effect a substantial reduction in American's total outstanding indebtedness, the applicants-declarants propose the following program:

(1) American and Wisconsin will issue and sell to Harris Trust, the holder of all their presently outstanding short-term notes, additional short-term notes in the amounts of $276,000 and $130,000, respectively. The proposed notes will mature not later than January 31, 1966, and will bear interest at the rate of 5½ percent per annum. The notes to be issued by American will be secured by a junior lien on American's holdings of the common stock of Wisconsin, which holdings are now pledged under the indenture of American's outstanding first mortgage bonds. The filing shows that Harris Trust has agreed to the proposed loan to American on the expectation that American's total borrowings from Harris Trust, $445,000, will be paid in full on or before January 31, 1966, from a portion of the proceeds of the proposed sale by American of its holdings of the common stock of Wisconsin, described below.

(2)(a) Wisconsin's presently outstanding 1,806,500 shares of $1 par value common stock will be reclassified into 144,766 shares of $1 par value common stock, and Wisconsin will concurrently credit its premium on common stock account with an amount equal to the resulting reduction in the aggregate par value of the common stock.

(b) All of the 127,457 reclassified shares of Wisconsin owned by American will be offered for subscription, through an underwritten pro rata rights offering, to the stockholders of American. With the proceeds from the sale of the Wisconsin shares (estimated by American at not less than $1,470,000 after payment of all related expenses), American will (i) redeem all of its $700,000 principal amount of first mortgage bonds at the applicable redemption price of 106 percent of principal amount; (ii) repay all of its then outstanding $445,000 principal amount of notes held by Harris Trust; and (iii) with the balance of the net proceeds, prepay and retire (through open market purchases or by redemption, or both) a portion of its outstanding 6½ percent subordinated debentures. The filing states that at September 30, 1965, the over-the-counter price of the debentures of $20 principal amount was 18 bid, 19 asked, and that the optional redemption price of the debentures is 104½ percent of principal amount if redeemed on or before January 15, 1966 (i.e., $20.90), and 103½ percent (i.e., $20.70) if redeemed in the following 12-month period.

(3) American proposes to solicit a number of securities firms for proposals to act as managing underwriters in connection with the subscription offer and public offering of any unsubscribed shares of Wisconsin. Such proposals will include the subscription price to American's stockholders, the price at which unsubscribed shares will be offered to the public and the underwriting commission to be charged in connection therewith, the "standby fee" to be charged pursuant to the offering to stockholders, and the proposed date on which the offering of the shares will commence. American proposes to accept the best proposal submitted, and requests that the underwriting agreement be excepted from the competitive bidding requirements of Rule 50 pursuant to subparagraph (a)(5) thereof.

American requests that, upon the disposition by it of the Wisconsin shares, the Commission enter an order, pursuant to section 5(d) of the Act, declaring that American has ceased to be a holding company and terminating its registration under the Act.

The filing further states that the proposed sale of the Wisconsin shares will require the approval of American's stockholders; that American will solicit proxies from its stockholders to be voted at a special meeting of the stockholders to be called for that purpose; that the proposed reclassification of the Wisconsin shares may require prior approval of the Wisconsin Public Service Commission; and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Fees and expenses to be incurred in connection with the proposed transactions will be filed by amendment.

Notice is further given that any interested person may, not later than October 25, 1965, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-

declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 65-11202; Filed, Oct. 19, 1965; 8:46 a.m.]

[File No. 70-4310]

GEORGIA POWER CO.

Notice of Proposed Acquisition and Retirement of up to $10,000,000 Principal Amount of First Mortgage Bonds

OCTOBER 14, 1965.

Notice is hereby given that Georgia Power Co. ("Georgia"), 270 Peachtree Street, Atlanta, Ga., 30303, an electric utility subsidiary company of the Southern Co., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 12(c) of the Act and Rule 42 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

Georgia proposes to acquire during 1965, and to retire, up to $10 million principal amount of its outstanding First Mortgage Bonds, 3½ percent Series of 1941, due March 1, 1971 ("3½ percent Bonds"). Included within such amount of $10 million of bonds are those which Georgia may acquire and retire pursuant to the 2 percent exemptive provisions of Rule 42(b)(5) under the Act, and, pending Commission action in this proceeding, the company may make acquisitions and retirements pursuant to such exemption.

Georgia intends to effect purchases of 3½ percent Bonds authorized hereunder in the open market or by publishing a request for tenders, or both, in its discretion, at the best price to Georgia which at the time, in its judgment, is obtainable. The company presently contemplates that in any request for tenders it will specify the maximum price at which tenders will be accepted. In no event, however, will any purchases made by Georgia hereunder be at a cost in excess of the principal amount of the bonds, plus accrued interest to the date of purchase: None of such 3½ percent Bonds will be purchased from any associate company or affiliate of Georgia or any affiliate of any such associate company. Georgia proposes to effect the proposed purchases of its 3½ percent Bonds with its general funds or with funds provided from short-term bank loans made under the exemption provided by the first sentence of section 6(b) of the Act.

Georgia has outstanding first mortgage indebtedness (by issue or assumption) aggregating $386,733,000 principal amount (exclusive of $55,000 principal amount of 3½ percent Bonds held in its treasury and pledged). Of such $386,733,000 principal amount, almost one-fourth, or $89,886,000 principal amount, consists of the 3½ percent Bonds. It is stated that, to the best knowledge and belief of the company, approximately 98 percent of the outstanding 3½ percent Bonds are held by institutional investors. The declaration states that in order to minimize the possibility of serious problems arising out of the necessity for refunding at their maturity in 1971 the then outstanding principal amount of such 3½ percent Bonds, Georgia has concluded it is desirable to adopt a program periodically to acquire on a reasonable basis and retire 3½ percent Bonds prior to their maturity, to the extent feasible. Georgia began such program of acquiring its 3½ percent Bonds in 1964, and in that year it acquired and retired a total of $7,303,000 principal amount of said bonds, at an average price of 95.39 percent of principal amount (equivalent to an average yield to maturity of 4.38 percent) pursuant to the exemption afforded by Rule 42(b)(5) under the Act.

Fees and expenses in connection with the proposed transactions are estimated at $6,500 and consist of $5,000 for publication of notices for tenders, $1,000 for fee of counsel, and $500 for charges of trustee. The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than October 29, 1965, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 65-11203; Filed, Oct. 19, 1965; 8:46 a.m.]

[File No. 70-4313]

METROPOLITAN EDISON CO.

Notice of Proposed Charter Amendment, Solicitation of Proxies, Acquisitions of Preferred Stock, and Related Transactions

OCTOBER 14, 1965.

Notice is hereby given that Metropolitan Edison Co. ("Met-Ed"), 2800 Pottsville Pike, Muhlenberg Township, Berks County, Pa., a Pennsylvania corporation and an electric utility subsidiary company of General Public Utilities Corp. ("GPU"), a registered holding company, has filed an application-declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 12(c), and 12(e) of the Act and Rules 42, 62, and 65 thereof as applicable to the proposed transactions. All interested persons are referred to the application-declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below:

Met-Ed proposes to amend its charter by a vote of stockholders at a special meeting held for such purpose. If adopted, the proposed amendment will permit Met-Ed to increase the amount of unsecured debt securities which may be outstanding at any one time from 10 percent to 20 percent of the aggregate of its secured indebtedness, capital, and surplus. It is stated that such amendment would conform with the relevant provisions of the Commission's Statement of Policy Regarding Preferred Stock (Holding Company Act Release No. 13106, February 16, 1956). Met-Ed will solicit proxies from its stockholders in connection with such amendment and will bear all expenses related to the solicitation.

Met-Ed has outstanding 859,500 shares of common stock, all owned by GPU. Its outstanding 255,000 shares of preferred stock consist of 125,000 shares of 3.90 percent Series; 40,000 shares of 4.35 percent Series; 30,000 shares of 3.85 percent Series; 20,000 shares of 3.80 percent Series; and 40,000 shares of 4.45 percent Series. The holders of the preferred and common stocks are entitled to one vote for each share held. The affirmative vote of two-thirds of the shares of preferred stock, voting as a class regardless of series, and of a majority of the shares of common stock, is required to effectuate the proposed amendment. GPU intends to vote in favor of the proposed charter amendment unless, prior to the stockholders meeting, preferred

stockholders submit written objections to the amendment pursuant to the appraisal provisions of Pennsylvania law (as described below) and, as a result, it would become necessary for Met-Ed to reacquire so substantial an amount of its preferred stock as to unduly deplete its treasury.

Under Pennsylvania law, any holder of Met-Ed's preferred stock who prior to the stockholders meeting objects in writing to the proposed charter amendment, does not vote in favor thereof, and otherwise perfects his appraisal rights, will have such appraisal rights as are provided for in section 2(d) of the Act approved May 3, 1933, Public Law 227, as amended (15 Purdon's Pennsylvania Statutes Annotated section 224(d)). Such appraisal rights (the details of which will be adequately set forth in the proxy material to be mailed to Met-Ed's preferred stockholders prior to the special meeting) would afford objecting preferred stockholders, if any, the right to surrender their shares to the company at a "fair value" arrived at in accordance with said Pennsylvania law. Met-Ed proposes to acquire not more than an aggregate of 25,500 shares of its preferred stock from holders thereof, if any, who perfect their appraisal rights. Prior to making any offer to any dissenting stockholder to acquire such shares, Met-Ed will file a post-effective amendment with this Commission setting forth the proposed offer, such amendment to become effective only upon Commission approval by supplemental order.

If the requisite favorable vote in respect of the proposed charter amendment is received, Met-Ed also proposes to purchase, during the early part of 1966, through an invitation for tenders, such number of shares of its preferred stock of all series which, together with shares (if any) acquired by it from dissenting stockholders who perfect their appraisal rights, does not exceed 25,500. The tender period will be not less than 20 and no more than 40 days, and the invitation for tenders, which will be sent to all record holders of Met-Ed's preferred stock, will specify the maximum price for each series (not in excess of the call price thereof) at which tenders will be accepted. The maximum tender prices, to be determined by Met-Ed's board of directors, will be disclosed by post-effective amendment to the present application-declaration, such amendment to become effective only upon Commission approval by supplemental order. The invitation for tenders will also provide that tenders will be accepted by Met-Ed on the basis which results in the lowest cost of money to Met-Ed, and will set forth the basis for the equitable determination of the shares for which tenders will be accepted if more shares are tendered than Met-Ed seeks to acquire. No fractional interest in a share will be purchased, and no shares will be purchased from officers, directors, or affiliates of Met-Ed or from any other person with which any of the foregoing are affiliated or from any members of the immediate families of said officers, directors, or affiliates.

Met-Ed states that all acquired shares of preferred stock will be retired; that it has no present intention of issuing any additional shares of preferred stock; and that it contemplates the use of debenture financing and such gradual retirement of all of its preferred stock as its financial condition permits so that its security structure may ultimately consist of mortgage bonds, unsecured debentures, common stock and short-term promissory notes to banks. It is expected that this program, if initiated, will extend over a period of time and no assurance is given by Met-Ed that the program, once begun, will be completed. Met-Ed, within a reasonable time after the consummation of the proposed tender program, will submit a report to the Commission disclosing (in such detail as the Commission may reasonably request) the results and surrounding circumstances of the transaction.

The filing states that the Pennsylvania Public Utility Commission has jurisdiction over the proposed amendment of Met-Ed's Charter and that, upon approval by this Commission of all aspects of the proposed transactions, including the proposed accounting therefor, no other Federal commission has jurisdiction over the proposed transactions.

The fees and expenses to be incurred by Met-Ed in connection with the proposed transactions (other than any appraisal proceedings which may be conducted) are estimated not to exceed $18,000, including $6,500 counsel fees, $3,000 expense in connection with the solicitation and acceptance of tenders, and $5,500 expense in connection with the solicitation of proxies relating to the charter amendment.

Notice is further given that any interested person may, not later than November 5, 1965, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof, or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 65-11204; Filed, Oct. 19, 1965; 8:46 a.m.]

[File No. 70-4311]

OHIO POWER CO.

Notice of Proposed Issue and Sale to Banks

OCTOBER 14, 1965.

Notice is hereby given that Ohio Power Co. ("Ohio"), 301 Cleveland Ave. SW., Canton, Ohio, an electric utility company and a subsidiary company of American Electric Power Co., Inc., a registered holding company, has filed a declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 thereof and Rule 50(a)(2) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below:

Ohio proposes to issue and sell to a group of 10 banks, from time to time prior to December 31, 1966, promissory notes in an aggregate principal amount not to exceed $52 million outstanding at any one time. The notes will be dated in each case as of the date of issue and will mature not more than 270 days thereafter. The notes will bear interest from the date thereof at the then current prime credit rate (presently 4½ percent per annum) and are prepayable at any time, in whole or in part, without penalty or premium.

As at September 15, 1965, Ohio had outstanding with such banks $7 million of such notes. The issue and sale of these notes and an additional $19 million principal amount thereof are exempted from the provisions of section 6(a) of the Act by the first sentence of section 6(b). The declaration requests the Commission's approval for the issue and sale of the balance, or $26 million principal amount.

The line of credit established with each of the 10 banking institutions is as follows:

Irving Trust Co., New York, N.Y.	$7,800,000
First National City Bank of New York, N.Y.	7,800,000
Manufacturers Hanover Trust Co., New York, N.Y.	6,240,000
Continental Illinois National Bank and Trust Co. of Chicago, Chicago, Ill.	6,240,000
Morgan Guaranty Trust Co. of New York, New York, N.Y.	5,720,000
Mellon National Bank & Trust Co., Pittsburgh, Pa.	5,200,000
Chase Manhattan Bank, New York, N.Y.	5,200,000
Bankers Trust Company, New York, N.Y.	2,600,000

Chemical Bank New York Trust Co., New York, N.Y.	$2,600,000
The Northern Trust Co., Chicago, Ill	2,600,000
Total	52,000,000

The proceeds from the issue and sale of the notes will be used by Ohio to pay part of the cost of its construction program which, it is presently estimated, will amount to more than $100 million for the remainder of 1965 and for the year 1966. It is estimated that approximately one-third of such construction expenditures will be obtained from internal sources and that the next permanent financing of Ohio, expected to consist of senior securities and equity securities or a capital contribution, will be completed prior to December 31, 1966. All of the notes outstanding at the time of Ohio's permanent financing will be paid from the proceeds of such financing which will be subject to further proceedings before this Commission. Ohio stipulates that upon the consummation of such permanent financing, any authorization obtained by it in connection with the instant declaration shall cease to be effective.

The declaration states that there will be no fees, commissions or expenses incident to the proposed transactions and that no State commission and no Federal commission, other than this Commission, has jurisdiction in respect of the proposed transactions.

Notice is further given that any interested person may, not later than November 5, 1965, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 65-11205; Filed, Oct. 19, 1965; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30—Denver, Colo., Rocky Mountain Area, Disaster 5]

COORDINATOR, DISASTER FIELD OFFICES, DENVER, COLO., REGION

Delegation Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30, F.R. 2741, as amended, there is hereby redelegated to the Coordinator of Disaster Field Offices, Denver Region, the following authority:

A. *Financial Assistance.* 1. To approve and decline disaster loans in an amount not exceeding $100,000.

2. To execute loan authorizations for Washington and Regional Office approved loans and for disaster loans approved under delegated authority, said execution to read as follows:

Small Business Administration
By _____
(Name)
Coordinator, Disaster Field Offices,
Denver, Colorado, Region.

3. To cancel, reinstate, modify and amend authorization for disaster loans, approved under delegated authority.

4. To disburse disaster loans.

5. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Coordinator of Disaster Field Offices, Denver, Colo., Region.

Effective date. June 17, 1965.

LACY L. WILKINSON,
Regional Director,
Denver, Colorado.

[F.R. Doc. 65-11206; Filed, Oct. 19, 1965; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 69]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 15, 1965.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 58889 (Sub-No. 2 TA), filed October 13, 1965. Applicant: F. P. ARRINGTON, doing business as PAT ARRINGTON TRUCK COMPANY, Post Office Box 94372, 1615 Southeast 29th Street, Oklahoma City 9, Okla. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, tubing, conduit, valves or fittings, compound, joint sealer, bonding cement, primer, coating, thinner, and accessories* used in the installation of such products, between points in Oklahoma County, Okla., on the one hand, and, on the other, points in Arkansas on and west of a line beginning at the Arkansas-Missouri State line and extending along U.S. Highway 65 to the junction U.S. Highway 167, thence along U.S. Highway 167 to the Arkansas-Louisiana State line, points in Kansas on and south of U.S. Highway 40, and points in Texas on and north of U.S. Highway 80. NOTE: Applicant states he will transport *damaged or rejected shipments*, on return. Supporting shipper: Continental Oil Co., Ponca City, Okla. (W. M. Clark, Transportation Dept.). Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla., 73102.

No. MC 66562 (Sub-No. 2122 TA), filed October 13, 1965. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y., 10017. Applicant's representative: William H. Marx (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Grundy, Va., and Jenkins, Ky., from Grundy over Virginia Highway 83 to junction U.S. Highway 23 to Jenkins and return over the same route, serving the intermediate points of Haysi and Freemont, Va., for 150 days. Supporting shippers: There are 15 supporting statements attached to the application, which may be examined at the Interstate Com-

merce Commission, here in Washington, D.C., or copies thereof are available for examination at the New York office named below. Send protests to: Stephen P. Tomany, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, N.Y., 10013.

No. MC 106116 (Sub-No. 1 TA), filed October 12, 1965. Applicant: THEODORE MARABELLI, doing business as THEODORE MARABELLI TRUCKING LINES, Rural Delivery No. 2, Tunkhannock, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Luzerne County, Pa., to Weedsport, Apolia Station, Fulton, Whitney Point, Binghamton, Waterloo, Candor, Homer, and Chittenango Station, N.Y., for 180 days. Supporting shippers: Rustag Paving and B & H Fuel Supply, 565 Corning Road, Mail Route 95, Binghamton, N.Y.; Earl C. Ives, 609 Ontarion St., Fulton, N.Y.; Blumer Supply, Weedsport, N.Y.; Morezak Bros., Apolia Station, N.Y.; E. Whitcomb Coal Co., Candor, N.Y.; "Les" Stong, Inc., Whitney Point, N.Y.; Stafford Coal Co., Homer, N.Y.; H. R. Wixon & Son, Waterloo, N.Y.; and, Sanford B. Hatch, Chittenango, N.Y. Send protests to: Kenneth R. Davis, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, Pa.

No. MC 107496 (Sub-No. 411 TA), filed October 13, 1965. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua at Third, Des Moines, Iowa, 50309. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients*, in bulk and in bags, from the plantsite of the Hooker Chemical Co., at or near Montpelier, Iowa; to points in Arkansas, Mississippi, Kentucky, Tennessee, Ohio, Michigan, and Pennsylvania (on and west of U.S. Highway 219), for 180 days. Supporting shipper: Hooker Chemical Corp., Jeffersonville, Ind., 47130. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa, 50309.

No. MC 109365 (Sub-No. 24 TA), filed October 13, 1965. Applicant: RONALD A. PATTERSON, doing business as ANTHONY & PATTERSON TRUCK LINE, Post Office Box 15, Ashdown, Ark. Applicant's representative: Ronald A. Patterson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition lumber* (flakeboard), from Crossett, Ark., to Jackson, Miss., Huntingburg and Jasper, Ind., and Wright City, Mo., for 150 days. Supporting shipper: Georgia-Pacific Corp., Post Office Box 352, Crossett, Ark., 71635. Send protests to: D. R. Partney, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol Avenue, Little Rock, Ark., 72201.

No. MC 113459 (Sub-No. 31 TA), filed October 13, 1965. Applicant: H. J. JEFFRIES TRUCK LINE, INC., 4720 South Shields Street, Post Office Box 4877, Oklahoma City, Okla. Applicant's representative: James W. Hightower, 136 Wynnwood Professional Building, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, tubing, conduit, valves or fittings, compound, joint sealer, bonding cement, primer, coating, thinner, and accessories used in the installation of such* products, from points in Oklahoma County, Okla., to points in Arkansas, Colorado, Illinois, Indiana (south of a line beginning at the Indiana-Illinois State line, and extending along U.S. Highway 36 to Indianapolis, thence along U.S. Highway 40 to the Indiana-Ohio State line), Kansas, Kentucky (within 75 miles of Owensboro), New Mexico (Lea and Eddy Counties, only), North Dakota, Ohio, South Dakota, Texas, Utah, and Wyoming, and *damaged or rejected shipments*, on return, for 180 days. Supporting shipper: Continental Oil Co., Ponca City, Okla. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla., 73102.

No. MC 111401 (Sub-No. 181 TA), filed October 13, 1965. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla., 73701. Applicant's representative: Max E. Barton (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphorus trichloride*, in bulk, in stainless steel tank trucks, from Nitro, W. Va., to the port of entry on the boundary line between the United States and Mexico, at Brownsville, Tex., for further movement to a destination in Mexico, for 180 days. Supporting shipper: FMC Corp., Chemical Division Administration Offices, 633 Third Avenue, New York, N.Y., 10017. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla.

No. MC 116645 (Sub-No. 7 TA), filed October 12, 1965. Applicant: DAVIS TRANSPORT CO., Post Office Box 56, Gilcrest, Colo. Applicant's representative Leslie R. Kehl, Suite 420, Denver Club Building, Denver, Colo., 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible syrup*, including blends thereof, in bulk, in tank vehicles, from Wheatridge, Colo., to El Paso, Tex., for 150 days. Supporting shipper: Corn Products Sales Co., 105 Filmore, Denver, Colo. Send protests to: Luther H. Oldham, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo., 80202.

No. MC 117119 (Sub-No. 278 TA), filed October 12, 1965. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark., 72728. Applicant's representative: John H. Joyce, 26 North College Street, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting; *Frozen prepared foods*, from Humboldt, Tenn., to points in Arkansas, Illinois, Indiana, Kansas, Louisiana, Michigan, Ohio, and Wisconsin, for 180 days. Supporting shipper: Consolidated Foods Corp., 135 South La Salle Street, Chicago, Ill., 60603. Send protests to: D. R. Partney, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol Avenue, Little Rock, Ark., 72201.

No. MC 119577 (Sub-No. 9 TA), filed October 13, 1965. Applicant: OTTAWA CARTAGE, INC., Post Office Box 458, Ottawa, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bricks*, from Sheffield, Ill., to Milwaukee, Wis., for 180 days. Supporting shipper: Sheffield Brick Co., Sheffield, Ill., 61361. Send protests to: William E. Gallagher, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1086 U.S. Courthouse and Federal Office Building, 219 South Dearborn, Chicago, Ill., 60604.

No. MC 124221 (Sub-No. 9 TA), filed October 13, 1965. Applicant: HOWARD BAER, 821 East Dunne Street, Post Office Box 127, Morton, Ill. Applicant's representative: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind., 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream, ice cream products, sherbets, water ices* and *water ice products*, in containers, for the account of Sealtest Foods Division of National Dairy Products Corp., restricted to shipments in mechanically refrigerated vehicles, from Memphis, Tenn., to Poplar Bluff and West Plains, Mo., for 150 days. Supporting shipper: Sealtest Foods, Division of National Products Corp., 75 East Wacker Drive, Chicago, Ill., 60601. Send protests to: Raymond E. Mauk, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 219 South Dearborn Street, Room 1086, Chicago, Ill., 60607.

No. MC 124813 (Sub-No. 25 TA), filed October 13, 1965. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients*, in bulk and in bags, from Montpelier, Iowa, and points within 5 miles thereof to points in Arkansas, Mississippi, Kentucky, Tennessee, Ohio, Michigan, and Pennsylvania (on and west of U.S. Highway 219), for 180 days. Supporting

shipper: Hooker Chemical Corp., Jeffersonville, Ind., 47130. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa.

No. MC 127505 (Sub-No. 1 TA), filed October 13, 1965. Applicant: RALPH H. BOELK, doing business as R. H. BOELK TRUCK LINES, 1201 14th Avenue, Mendota, Ill. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Empty sheet steel containers* (liquid capacity exceeding 1 gallon but not exceeding 15 gallons), from Mendota, Ill., to Charlestown, Ind., for 90 days. Supporting shipper: Conco Engineering Works, Mendota, Ill., 61342. Send protests to: William E. Gallagher, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1086 U.S. Courthouse and Federal Office Building, 219 South Dearborn, Chicago, Ill., 60604.

No. MC 127612 (Sub-No. 2 TA), filed October 13, 1965. Applicant: DAWN TRUCKING CORP., 4306 First Avenue, Brooklyn, N.Y., 11232. Applicant's representative: Brodsky, Linett & Altman, 1776 Broadway, New York, N.Y., 10019. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Salt,* in packages, from New York, N.Y., to points in Fairfield, New Haven, Hartford, and Litchfield Counties, Conn., Philadelphia, Delaware, Montgomery, and Bucks Counties, Pa., and points in New Jersey in and north of Camden, Burlington, and Ocean Counties, N.J., for 180 days. Supporting shipper: International Salt Co., Clark Summit, Pa. Send protests to: R. E. Johnston, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y., 10013.

No. MC 127630 TA, filed October 13, 1965. Applicant: OPLIS M. HACKETT, Route 2, Lebanon, Tenn., 37087. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Cooperage stock,* from points in Wilson County, Tenn., to Louisville and Lebanon, Ky., for 180 days. Supporting shipper: Dunaway and Kent Heading Mill, Route No. 6, Lebanon, Tenn. Send protests to: J. E. Gamble, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 706 U.S. Courthouse, Nashville, Tenn., 37203.

MOTOR CARRIERS OF PASSENGERS

No. MC 126077 (Sub-No. 1 TA), filed October 13, 1965. Applicant: RIO GRANDE BRIDGE SYSTEM, Post Office Box 1566, McAllen, Tex., 78501. Applicant's representative: George D. Geer (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *Passengers and their baggage,* between the port of entry on the international boundary line between the United States and Mexico, at Hidalgo, Tex., and the border control station, near such boundary, for 180 days. NOTE: The application relates to transportation of persons between the State of Reynosa, Mexico, and the American border control station. Supporting Shipper: None. Send protests to: James H. Berry, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 206 Manion Building, San Antonio, Tex., 78205.

No. MC 127603 (Sub-No. 1 TA), filed October 13, 1965. Applicant: GEORGE'S BUS CO., INC., 956 Dean Street, Brooklyn, N.Y. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Passengers,* in special operations, in daily round-trip service between the U.S. Naval Shipyard in Brooklyn, N.Y., and the U.S. Naval Shipyard in Philadelphia, Pa., under contract with supporting association, for 145 days. Supporting shipper: Association of Colored Employees, New York Naval Shipyard, 166–19 120th Avenue, Jamaica, N.Y. Send protests to: R. E. Johnston, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y., 10013.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65–11240; Filed, Oct. 19, 1965; 8:49 a.m.]

[Notice 50]

FINANCE APPLICATIONS

OCTOBER 15, 1965.

The following publications are governed by the Interstate Commerce Commission's general requirements governing notice of filing of applications under sections 20a except (12) and 214 of the Interstate Commerce Act. The Commission's order of May 20, 1964, providing for such publication of notice, was published in the FEDERAL REGISTER issue of July 31, 1964 (29 F.R. 11126), and became effective October 1, 1964.

All hearings and prehearing conferences, if any, will be called at 9:30 a.m., U.S. standard time unless otherwise specified.

F.D. No. 22689—By amendment to supplemental application filed October 7, 1965, Chicago & North Western Railway Co., 400 West Madison Street, Chicago, Ill., 60606, seeks authority under section 20a of the Interstate Commerce Act to issue certificates of deposit in respect of not exceeding 3,056,711 shares of common stock of the Chicago, Rock Island & Pacific Railroad Co. for certificates of deposit issued by Union Pacific Railroad Co. under its exchange offer of September 1, 1964, as amended, to the common stockholders of the Chicago, Rock Island & Pacific Railroad Co. Applicant's attorneys: Jordan Jay Hillman, Esq., General Counsel, Chicago & North Western Railway Co., 400 West Madison Street, Chicago, Ill., 60606, and William L. McGovern, Esq., Arnold & Porter, 1229 19th Street NW., Washington, D.C., 20036. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

F.D. No. 23833—By application filed October 11, 1965, Norfolk & Western Railway Co., 8 North Jefferson Street, Roanoke, Va., 24011, seeks authority under section 20a of the Interstate Commerce Act to issue not exceeding 6,321,884 shares of common stock, par value $25 per share, in exchange for shares of common stock of the Chesapeake & Ohio Railway Co. and to assume obligation and liability in respect of bonds and other securities issued, assumed or guaranteed by the Chesapeake & Ohio Railway Co. Applicant's attorney: Mr. Robert B. Claytor, Vice President—Law, Norfolk & Western Railway Co., 8 North Jefferson Street, Roanoke, Va., 24011. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

NOTE: This application is in conjunction with F.D. No. 23732, Norfolk & Western Railway Co.—Merger—Chesapeake & Ohio Railway Co., filed simultaneously.

F.D. No. 23837—By application filed October 11, 1965, Southern Railway Co., Post Office Box 1808, Washington, D.C., 20013, seeks authority under section 20a of the Interstate Commerce Act to dispose of not to exceed 58,660 reacquired shares of its 5 percent preferred stock, par value $20, in exchange for the outstanding shares of the preferred and common stock of Central of Georgia Railway Co., held by persons other than applicant. Applicant's attorneys: James A. Bistline, and R. Allan Wimbish, Southern Railway Co., Post Office Box 1808, Washington, D.C., 20013, and Donald W. Markham and Jack R. Turney, Jr., Turney, Major, Markham & Sherfy, 2001 Massachusetts Avenue NW., Washington, D.C., 20036. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65–11214; Filed, Oct. 19, 1965; 8:47 a.m.]

[Notice 369]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 15, 1965.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the pro-

posed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 4963 (Deviation No. 10) JONES MOTOR CO., INC., Spring City, Pa., 19475, filed October 8, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Breezewood toll gate, Pennsylvania Turnpike, Pa., over U.S. Highway 30 to junction Interstate Highway 70.

Thence over Interstate Highway 70–70N to junction Interstate Highway 695, thence over Interstate Highway 695 to junction U.S. Highway 40, and thence over U.S. Highway 40, to Baltimore, Md., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) from Hanover, Pa., over Pennsylvania Highway 116 to junction U.S. Highway 30, thence over U.S. Highway 30 to York, Pa., thence over U.S. Highway 11 to Carlisle toll gate, thence over Pennsylvania Turnpike to Irwin toll gate, and thence over U.S. Highway 30 to Pittsburgh, Pa., (2) from York over U.S. Highway 30 to Irwin, Pa., (3) from Hanover, Pa. over Pennsylvania Highway 94 to Mount Holly Springs, Pa., thence over Pennsylvania Highway 34 to Carlisle toll gate, (4) from Baltimore over U.S. Highway 140 to Reisterstown, Md., thence over Maryland Highway 30 to the Maryland-Pennsylvania State line, thence over Pennsylvania Highway 94 to Hanover, Pa., thence over Pennsylvania Highway 116 to junction U.S. Highway 30, and thence over U.S. Highway 30 to York, and (5) from Exton, Pa. over Pennsylvania Highway 100 to junction U.S. Highway 202, thence over U.S. Highway 202 to Wilmington, Del., thence over U. S. Highway 13 to junction U.S. Highway 40, and thence over U.S. Highway 40 to Baltimore, and return over the same routes.

No. MC 11220 (Deviation No. 12) GORDONS TRANSPORTS, INC., Post Office Box 2696, Memphis, Tenn., 38102, filed October 4, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) from junction U.S. Highway 61 and Missouri Highway 74, west of Cape Girardeau, Mo., over Missouri Highway 74 to junction Missouri Highway 25, thence over Missouri Highway 25 to junction U.S. Highway 60, thence over U.S. Highway 60 to junction U.S. Highway 67, and thence over U.S. Highway 67 to North Little Rock, Ark., and (2) from junction U.S. Highway 61 and U.S. Highway 60, near Sikeston, Mo., over U.S. Highway 60 to junction U.S. Highway 67, and thence over U.S. Highway 67 to North Little Rock, Ark., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from Cape Girardeau, Mo., over Missouri Highway 74 to junction U.S. Highway 61, and thence over U.S. Highway 61 to junction U.S. Highway 70 at West Memphis, Ark., and thence over U.S. Highway 70 to North Little Rock, Ark., and return over the same route.

No. MC 26739 (Deviation No. 21) CROUCH BROS, INC., Transport Building, St. Joseph, Mo., 64501, filed October 4, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over Interstate Highway 55 to junction Interstate Highway 80 (approximately 5 miles west of Joliet, Ill.), thence over Interstate Highway 80 to junction Interstate Highway 35 (west of Des Moines, Iowa), and thence over Interstate Highway 35 to Kansas City, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) from Chicago over U.S. Highway 66 to Springfield, Ill., thence over U.S. Highway 36 to Monroe City, Mo., and thence over U.S. Highway 24 to Kansas City, and (2) from Chicago over U.S. Highway 66 to Springfield, Ill., thence over U.S. Highway 36 to Cameron, Mo., and thence over U.S. Highway 69 to Kansas City, and return over the same routes.

No. MC 26739 (Deviation No. 22) CROUCH BROS., INC., Transport Building, St. Joseph, Mo., 64501, filed October 4, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over Interstate Highway 55 to junction Interstate Highway 80 (approximately 5 miles west of Joliet, Ill.), thence over Interstate Highway 80 to junction Interstate Highway 35 (west of Des Moines, Iowa), and thence over Interstate Highway 35 to junction Interstate Highway 35 and U.S. Highway 36 (north of Cameron, Mo.), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago over U.S. Highway 66 to Springfield, Ill., and thence over U.S. Highway 36 to St. Joseph, and return over the same route.

No. MC 42487 (Deviation No. 50) CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif., 94025, filed October 6, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Cheyenne, Wyo., and San Francisco, Calif., over Interstate Highway 80, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) from San Francisco over U.S. Highway 40 to Wells, Nev., and thence over U.S. Highway 93 to Twin Falls, Idaho, (2) from Twin Falls, Idaho, over U.S. Highway 30 to Burley, Idaho, thence over U.S. Highway 30N to Pocatello, Idaho, thence over U.S. Highway 91 to Idaho Falls, Idaho, (3) from Tremonton, Utah, over U.S. Highway 30S to Burley, Idaho, (4) from Salt Lake City, Utah, over U.S. Highway 91 (also over alternate U.S. Highway 91) to Brigham, Utah, thence over U.S. Highway 30S to Tremonton, Utah, (5) from Denver, Colo., over U.S. Highway 287 to Laramie, Wyo., (also from Denver over U.S. Highway 85 to Cheyenne, Wyo., and thence over U.S. Highway 30 to Laramie), thence over U.S. Highway 30 to Little America, Wyo., thence over U.S. Highway 30S via Uintah, Utah, to Ogden, Utah, and thence over U.S. Highway 91 to Provo, Utah, (6) from Denver over the above-specified routes to Uintah, Utah, thence over U.S. Highway 89 to junction Alternate U.S. Highway 89 (near Farmington, Utah), thence over Alternate U.S. Highway 89 to junction U.S. Highway 91, thence over U.S. Highway 91 to Provo, Utah, and (7) from Salt Lake City, Utah over U.S. Highway 40 (portion formerly Utah Highway 4) via Kimball Junction, Utah, to Silver Creek Junction, Utah, thence over U.S. Highway 189 (portion formerly Utah Highway 4) via Wanship, and Echo, Utah, to Evanston, Wyo., thence over U.S. Highway 30S to Little America, Wyo., thence over U.S. Highway 30N to Granger, Wyo., thence return over U.S. Highway 30N to Little America, Wyo., and thence over U.S. Highway 30 to Rock Springs, and return over the same routes.

No. MC 69901 (Deviation No. 1), COURIER-NEWSON EXPRESS, INC., U.S. Highway 31 Bypass, Post Office Box 509, Columbus, Ind., 47201, filed October 7, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over Interstate Highway 94 to junction U.S. Highway 12 at Ypsilanti, Mich., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago, Ill., over Illinois Highway 1 to Chicago Heights, Ill., thence over U.S. Highway 30 to Fort Wayne, Ind., thence over U.S. Highway 27 to Coldwater, Mich., thence over U.S. Highway 12 to Ypsilanti, Mich., and return over the same route.

No. MC 69901 (Deviation No. 2), COURIER-NEWSON EXPRESS, INC., U.S. Highway 31 Bypass, Post Office Box 509, Columbus, Ind., 47201, filed October 7, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows:

From Chicago, Ill., over the Chicago Skyway to junction of the Indiana Toll Road, thence the Indiana Toll Road to junction U.S. Highway 27, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago, Ill., over Illinois Highway 1 to Chicago Heights, Ill., thence over U.S. Highway 30 to Fort Wayne, Ind., thence over U.S. Highway 27 to Coldwater, Mich., thence over U.S. Highway 12 to Ypsilanti, Mich., and return over the same route.

No. MC 69901 (Deviation No. 3), COURIER-NEWSON EXPRESS, INC., U.S. Highway 31 Bypass, Post Office Box 509, Columbus, Ind., 47201, filed October 7, 1965. Carrier proposes to operate as a *common carrier* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From Louisville, Ky., over Interstate Highway 65 to Chicago, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes, as follows: (1) From Louisville, Ky., over U.S. Highway 31E to junction U.S. Highway 31, thence over U.S. Highway 31 to junction Indiana Highway 9, thence over Indiana Highway 9 to junction Indiana Highway 7, thence over Indiana Highway 7 to Columbus, Ind., thence over Alternate Highway 31 to junction U.S. Highway 31, thence over U.S. Highway 31 to Indianapolis, Ind., and (2) from Indianapolis, Ind., over U.S. Highway 421 (formerly portion Indiana Highway 29) to junction Indiana Highway 29, thence over Indiana Highway 29 to Logansport, Ind., thence over U.S. Highway 35 to junction U.S. Highway 30, thence over U.S. Highway 30 to Chicago Heights, Ill., thence over Illinois Highway 1 to Chicago, Ill., and return over the same routes.

No. MC 69901 (Deviation No. 4), COURIER-NEWSON EXPRESS, INC., U.S. Highway 31 Bypass, Post Office Box 509, Columbus, Ind., 47201, filed October 7, 1965. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: Between Indianapolis, Ind., and Coldwater, Mich., over Interstate Highway 69, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Indianapolis, Ind., over U.S. Highway 421 (formerly portion Indiana Highway 29) to junction Indiana Highway 29, thence over Indiana Highway 29 to Logansport, Ind., and (2) from Logansport, Ind., over U.S. Highway 24 to Fort Wayne, Ind., thence over U.S. Highway 27 to Coldwater, Mich., and return over the same routes.

No. MC 69901 (Deviation No. 5), COURIER-NEWSON EXPRESS, INC., U.S. Highway 31 Bypass, Post Office Box 509, Columbus, Ind., 47201, filed October 7, 1965. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From Coldwater, Mich., over U.S. Highway 27 to junction Michigan Highway 60, thence over Michigan Highway 60 to junction Interstate Highway 94, thence over Interstate Highway 94 to junction U.S. Highway 12 at Ypsilanti, Mich., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Coldwater, Mich., over U.S. Highway 12 to Ypsilanti, Mich., and return over the same route.

No. MC 92692 (Deviation No. 1), FREEPORT FAST FREIGHT, INCORPORATED, 1415 West Fulton Street, Chicago, Ill., 60607, filed October 4, 1965. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From Chicago, Ill., over city streets to the Eisenhower Expressway, also known as the East West Toll Road, thence over the East West Toll Road to junction U.S. Highway 30 approximately 6 miles west of Aurora, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago, Ill., over U.S. Highway 34 to junction Illinois Highway 65, thence over Illinois Highway 65 to Aurora, Ill., and thence over U.S. Highway 30 to Fulton, Ill., and return over the same route.

No. MC 92692 (Deviation No. 2), FREEPORT FAST FREIGHT, INCORPORATED, 1415 West Fulton Street, Chicago, Ill., 60607, filed October 4, 1965. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From Chicago, Ill., over city streets to the Kennedy Expressway, also known as the Northwest Tollway, thence over the Northwest Tollway to junction U.S. Highway 20 approximately 6 miles east of Rockford, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Freeport, Ill., over U.S. Highway 20 to Chicago, Ill., and return over the same route.

No. MC 92692 (Deviation No. 3), FREEPORT FAST FREIGHT, INCORPORATED, 1415 West Fulton Street, Chicago, Ill., 60607, filed October 4, 1965. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From Chicago, Ill., over city streets to the Edens Expressway, also known as the Tri-State Tollway, thence over the Tri-State Tollway to the Illinois-Wisconsin State line and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago, Ill., over U.S. Highway 41 to Illinois-Wisconsin State line, and return over the same route.

No. MC 92692 (Deviation No. 4), FREEPORT FAST FREIGHT, INCORPORATED, 1415 West Fulton Street, Chicago, Ill., 60607, filed October 4, 1965. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From Chicago, Ill., over Interstate Highway 90 to junction Bypass U.S. Highway 20 approximately 6 miles east of Rockford, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route, as follows: From Freeport, Ill., over U.S. Highway 20 to Chicago, Ill., and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 61616 (Deviation No. 11), MIDWEST BUSLINES, INC., 433 West Washington Avenue, North Little Rock, Ark., filed October 4, 1965. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *Passengers and their baggage,* and *express mail* and *newspapers,* in the same vehicle with passengers, over a deviation route as follows: From junction U.S. Highway 65 and Arkansas Highway 365, 10.5 miles northwest of North Little Rock, Ark., over U.S. Highway 65 as relocated (Interstate Highway 40) to Mayflower, Ark., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the above-specified property over a pertinent service route as follows: From Fort Smith, Ark., over U.S. Highway 64 to junction U.S. Highway 65, thence over U.S. Highway 65 to junction U.S. Highway 70, and thence over U.S. Highway 70 to Memphis, Tenn., and return over the same route.

No. MC 109780 (Deviation No. 14) TRANSCONTINENTAL BUS SYSTEM, INC., 315 Continental Avenue, Dallas, Tex., filed October 8, 1965. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *Passengers and their baggage* and *express, mail,* and *newspapers,* in the same vehicle with passengers, over a deviation route as follows: From junction U.S. Highway 65 and Arkansas Highway 365 ten and one-half (10.5) miles northwest of North Little Rock, Ark., over U.S. Highway 65 as relocated (Interstate Highway 40) to Mayflower, Ark., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the above-specified property over a pertinent service route as follows: From Conway, Ark., over U.S.

Highway 65 to Little Rock, Ark., and return over the same route.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-11215; Filed, Oct. 19, 1965; 8:47 a.m.]

[Notice 829]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 15, 1965.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 8948 (Sub-No. 63), filed September 27, 1965. Applicant: WESTERN GILLETTE, INC., 2550 East 28th Street, Los Angeles, Calif., 90058. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, granulated and/or liquid, in bulk, in tank or hopper vehicles and *syrup*, in bulk, in tank vehicles, from points in Arizona, to points in California, New Mexico, Nevada, Colorado, Texas, and Utah.

HEARING: November 12, 1965, in Room 1434, New Federal Building, 1961 Stout Street, Denver, Colo., before Examiner Joseph T. Fittipaldi.

No. MC 33500 (Sub-No. 13), filed September 24, 1965. Applicant: PYRAMID VAN LINES, INC., 9420 Sandusky Avenue, Cleveland, Ohio. Applicant's representative: Marvin Handler, 625 Market Street, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Hawaii.

HEARING: November 8, 1965, at the U.S. District Courtroom, Federal Building, Honolulu, Hawaii, before Commissioner Rupert L. Murphy.

No. MC 730 (Sub-No. 256) (republication), filed June 10, 1965, published FEDERAL REGISTER issue of June 30, 1965, and republished, this issue. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. Applicant's representative: Alfred G. Krebs (same address as applicant). By application filed June 10, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, of operations substantially as indicated in the findings below, restricted to the transportation of traffic moving to or from points west of Fairview, Kans. An Order of the Commission, Operating Rights Board No. 1, dated September 30, 1965, and served October 7, 1965, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, of *general commodities*, except household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and commodities requiring special equipment, serving the junction of U.S. Highway 36 and U.S. Highway 75 at or near Fairview, Kans., for the purposes of joinder only, in conjunction with applicant's otherwise authorized regular route operations; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 64994 (Sub-No. 65) (Republication), filed May 25, 1965, published FEDERAL REGISTER issue of June 24, 1965, and republished this issue. Applicant: HENNIS FREIGHT LINES, INC., Post Office Box 87, Tomah, Wis. Applicant's representative: Frank C. Philips (same address as applicant). By application filed May 25, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of steel billets, on flatbed trailers, from Steelton, Ky., to West Allis, Wis., and refused and rejected shipments, on return. An order of the Commission, Operating Rights Board No. 1, dated September 30, 1965, and served October 7, 1965, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of *steel billets*, from Steelton, Ky., to West Allas, Wis.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

NOTICE OF FILING OF PETITIONS

No. MC 43711 (Petition for Removal of "Secondary Movements" Restriction in Connection With "Bodies"), filed October 1, 1965. Petitioner: P&M AUTO TRANSPORT, INCORPORATED OF ILLINOIS, Post Office Box 25, Lebanon, Pa. Petitioner's representative: William J. Little, 1513 Fidelity Building, Baltimore, Md., 21201. This petition is filed pursuant to the decision in *Matson, Inc., Extension—Self-Unloading Material Bodies*, 96 M.C.C. 648, served January 12, 1965. Insofar as is herein relevant, petitioner holds authority in MC 43711 as follows: *Automobiles, trucks, chassis, cabs* and *bodies*, new, used, unfinished and/or wrecked, restricted to secondary movements, in truckaway and driveaway service, from places of manufacture and assembly in Wayne County, Mich., to Dubuque, Iowa, St. Louis, Mo., and points in Connecticut, Illinois, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized. *New automobiles, new trucks, new cabs, new bodies* and *new chassis*, restricted to secondary movements, during the season of open navigation on the Great Lakes, in truckaway service, from Cleveland, Ohio and Buffalo, N.Y., to specified destination points in Delaware, Maryland, and Pennsylvania, with no transportation for compensation on return except as otherwise authorized. By the instant petition, petitioner requests that it would be appropriate to amend its authority in Docket No. MC 43711 as follows:

Irregular routes: *New automobiles, new trucks, new chassis, new bodies*, and *unfinished motor vehicles*, restricted to initial movements, in truckaway and driveaway service, from places of manufacture and assembly in Wayne County, Mich., to Dubuque, Iowa, St. Louis, Mo., and points in Connecticut, Illinois, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, and the District of Columbia, with no transportation for compensation on return, except as otherwise authorized. *Automobiles, trucks and chassis*, new, used, unfinished, and/or wrecked, restricted to secondary movements, and *cabs* and *bodies*, new, used, unfinished and/or wrecked, in truckaway and driveaway service, between points described immediately above. *Automobiles, trucks* and *chassis*, in initial movements, in truckaway service, and *cabs*, and *bodies*, from points in Wayne County and War-

ren Township, in Macomb County, Mich., to certain specified points in Delaware, Pennsylvania, and Maryland, with no transportation for compensation on return, except as otherwise authorized. *New automobiles, new trucks,* and *new chassis,* restricted to secondary movements in truckaway service, and *new cabs* and *new bodies,* during the season of open navigation on the Great Lakes, from Cleveland, Ohio, and Buffalo, N.Y., to specified points in Delaware, Maryland, and Pennsylvania, with no transportation for compensation on return except as otherwise authorized. Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading, consisting of an original and six copies each.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–9235. Authority sought for purchase by NURSERYMAN SUPPLY, INC., 6801 Northwest 74th Avenue, Miami, Fla., of the operating rights of W. & M. TRANSPORTATION CO., INC., Lakeland, Fla., and for acquisition by JOHN E. BROWN, also of Miami, Fla., of control of such rights through the purchase. Applicants' attorney: Guy H. Postell, 1375 Peachtree St. NE, Suite 693, Atlanta 9, Ga. Operating rights sought to be transferred: *Fruit products* and *fruit byproducts,* in containers, as a *common carrier,* over irregular routes, from Winchester, Va., Martinsburg and Inwood, W. Va., and points in Adams County, Pa., to points in Georgia and Florida; *apple products,* and *apple byproducts,* in containers, from Winchester, Va., and Martinsburg, W. Va., to points in Florida and Georgia, restriction: The service authorized herein is subject to the following conditions: Carrier shall maintain completely separate accounting systems for its private and for-hire carrier operations. That carrier shall not at the same time and in the same vehicle transport both as a private carrier and as a carrier for-hire; *canned goods,* from Berryville and Front Royal, Va., to points in Florida; and authority applied for in No. MC–119939 Sub No. 5, covering the transportation of *foodstuffs,* other than frozen, from points in Shenandoah County, Va., to points in Georgia and Florida, and *exempt commodities,* on return, as a *common carrier,* over irregular routes. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, New Jersey, Ohio, Virginia, Maryland, Florida, Texas, Indiana, West Virginia, South Carolina, North Carolina, Georgia, Tennessee, Kentucky, Illinois, Wisconsin, Michigan, Massachusetts, Connecticut, Arkansas, Missouri, Louisiana, Alabama, Rhode Island, and the District of Columbia, and as a *contract carrier* in Wisconsin, Florida, New York, and Georgia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–9236. Authority sought for purchase by R. W. EXPRESS, INC., 4840 Wyoming, Dearborn 2, Mich., of the operating rights of THOMAS E. BUBER, INC., 308 Antoine Street, Wyandotte, Mich., and for acquisition by C. RUSSELL WAGSTAFF, also of Dearborn, Mich., of control of such rights through the purchase. Applicants' attorney and representative: Frank J. Kerwin, Jr., 1800 Buhl Building, Detroit, Mich., 48226, and Jerome C. Grosman, 2850 Guardian Building, Detroit, Mich., 48226. Operating rights sought to be transferred: *Brick,* as a *common carrier* over irregular routes, from Mansfield, Ohio, to Detroit, Mich.; *clay products,* from Detroit and Franklin Village, Mich., to points in Ohio, from Charleston, W. Va., Fallston, Kittanning and Bigler, Pa., and points in Ohio and Indiana, to points in the Lower Peninsula of Michigan, from Kankakee and St. Anne, Ill., to points in Wayne, Oakland, Macomb, Washtenaw, and Monroe Counties, Mich., from Somerville, Lewis Rull, Eastvale, Darlington, and Bessemer, Pa., and Fairdale, Ky., to points in that part of Michigan on and east of U.S. Highway 27 from the Michigan-Indiana State line to junction Michigan Highway 20, and on and south of a line beginning at junction U.S. Highway 27 and Michigan Highway 20 and extending along Michigan Highway 20 to the Saginaw River, at Bay City, Mich., and thence along the Saginaw River to Saginaw Bay; *Clay brick,* from Chicago, Ill., to points in Washtenaw, Wayne, and Livingston Counties, Mich.; *brick, clay products,* and *refractory products,* between Detroit, Mich., and a port of entry on the United States-Canada boundary line at Sault Sainte Marie, Mich.; *refractories,* from Detroit, Mich., to points in Illinois and Indiana; from Mansfield, Ohio, to Detroit, Mich, from Detroit and Franklin, Mich., to points in Ohio.

Restriction: The operations authorized immediately above is restricted against the transportation of lime, limestone, and lime products and commodities in bulk; from Charleston, W. Va., Fallston, Kittanning, and Bigler, Pa., and points in Indiana and Ohio, to points in the Lower Peninsula of Michigan. Restriction: The operations authorized immediately above are restricted against the transportation of lime, limestone, and lime and limestone products from Ottawa and Sandusky Counties, Ohio, and from Carey and Broken Sword, Ohio, to points in the Lower Peninsula of Michigan, and restricted against the transportation of commodities in bulk; from Kankakee and St. Anne, Ill., to points in Wayne, Oakland, Macomb, Washtenaw, and Monroe Counties, Mich., from Summerville, Lewis Run, Eastvale, Darlington, and Bessemer, Pa., and Fairdale, Ky., to points in that part of Michigan on, east and south of a line beginning at the Michigan-Indiana State line and extending along U.S. Highway 27 to junction Michigan Highway 20, thence along Michigan Highway 20 to junction unnumbered highway (formerly Michigan Highway 20) at or near Midland, Mich., thence along unnumbered highway to the Saginaw River, at Bay City, Mich., and thence along the Saginaw River to Saginaw Bay, from Chicago, Ill., to points in Washtenaw, Wayne, and Livingston Counties, Mich.; and *refractory materials,* from Chicago, and Granite City, Ill., to Detroit, Mich. Vendee is authorized to operate as a *common carrier* in Michigan, Illinois, Ohio, and Indiana. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65–11216; Filed, Oct. 19, 1965; 8:47 a.m.]

[Notice 831]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 15, 1965.

The following publications are governed by the new § 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications *as filed* by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the Special Rules of Procedure for Hearing outlined below:

SPECIAL RULES OF PROCEDURE FOR HEARING

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits.

To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendixes thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 35334 (Sub-No. 60), filed October 5, 1965. Applicant: COOPER-JARRETT, INC., 23 South Essex Avenue, Orange, N.J. Applicant's representative: Harris J. Klein, 280 Broadway, New York, N.Y., 10007. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel* and *iron and steel articles*, between points in that part of Pennsylvania on and west of U.S. Highway 219 and points in Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Michigan, Ohio, Pennsylvania, Wisconsin, and Kentucky.

HEARING: November 1, 1965, in Room 2214, Conference Room, New Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa., before Examiner Rene J. Mittelbronn.

No. MC 39167 (Sub-No. 4) (Amendment), filed April 5, 1965, published FEDERAL REGISTER issue April 21, 1965, amended and republished July 21, 1965, and republished this issue, as amended. Applicant: CHARLES J. ROGERS TRANSPORTATION COMPANY, a corporation, 2947 Greenfield Road, Melvindale, Mich. Applicant's representative: Walter N. Bieneman, Suite 1700, One Woodward Avenue, Detroit, Mich. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel products*, (1) between Pittsburgh, Donora, Ellwood City, Aliquippa, and Vandergrift, Pa., on the one hand, and, on the other, points in Illinois, Indiana, and the Lower Peninsula of Michigan, and (2) between Cleveland, Lorain, and McDonald, Ohio, on the one hand, and, on the other, points in Illinois and Indiana. NOTE: The purpose of this republication is to include Aliquippa, Pa., with points shown in (1) above.

HEARING: Remains as assigned November 1, 1965, in Room 2214, Conference Room, New Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa., before Examiner Rene J. Mittelbronn.

No. MC 78228 (Sub-No. 8) (Republication), filed September 28, 1965, published in FEDERAL REGISTER, issue of October 14, 1965, and republished this issue. Applicant: THE J. MILLER COMPANY, a corporation, 147 Nichol Avenue, McKees Rocks, Pa. Applicant's representative: Henry M. Wick, Jr., 1515 Park Building, Pittsburgh, Pa., 15222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel* and *iron and steel articles* as described in appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 276–279, between Cleveland, Lorain, McDonald, and Youngstown, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, the Lower Peninsula of Michigan, and St. Louis, Mo. NOTE: The purpose of this republication is to show the hearing date.

HEARING: November 1, 1965, in Room 2214 Conference Room, New Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa., before Examiner Rene J. Mittelbronn.

No. MC 110193 (Sub-No. 119), filed October 6, 1965. Applicant: SAFEWAY TRUCK LINES, INC., 20450 Ireland Road, Post Office Box 2628, South Bend, Ind. Applicant's representative: Walter J. Kobos (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel* and *iron and steel articles*, between points in that part of Pennsylvania on and west of U.S. Highway 219 and those in Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Michigan, Ohio, Pennsylvania, and Wisconsin, and Louisville, Ky., and Cincinnati, Ohio.

HEARING: November 1, 1965, in Room 2214 Conference Room, New Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa., before Examiner Rene J. Mittelbronn.

No. MC 113974 (Sub-No. 16), (Republication), filed September 17, 1965, published in FEDERAL REGISTER issue of October 7, 1965, and republished this issue. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., a corporation, 211 Washington Avenue, Dravosburg, Pa. Applicant's representative: Henry M. Wick, Jr., 1515 Park Building, Pittsburgh, Pa., 15222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel* articles as described in appendix V to report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 276–279, between Cleveland, Lorain, McDonald, and Youngstown, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, the Lower Peninsula of Michigan, and St. Louis, Mo. NOTE: The purpose of this republication is to reflect the hearing date.

HEARING: November 1, 1965, in Room 2214 Conference Room, New Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa., before Examiner Rene J. Mittelbronn.

No. MC 119777 (Sub-No. 46), filed October 6, 1965. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Box 31, Madisonville, Ky. Applicant's representative: Robert M. Pearce, 1033 State Street, Bowling Green, Ky., 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel* and *iron and steel articles*, between points in that part of Pennsylvania on and west of U.S. Highway 220 and points in that part of Ohio on and north of U.S. Highway 224, on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, and Wisconsin. NOTE: Applicant states that it intends to tack the above proposed authority with that authority previously granted in Certificate Nos. MC 119777 (Sub-Nos. 10, 21, 22, and 27), wherein applicant is authorized to serve points in the States of Ohio, Pennsylvania, Kentucky, Tennessee, West Virginia, Arkansas, Louisiana, Mississippi, Texas, Illinois, Indiana, Alabama, Georgia, Iowa, Missouri, and Wisconsin.

HEARING: November 1, 1965, in Room 2214 Conference Room, New Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa., before Examiner Rene J. Mittelbronn.

No. MC 125708 (Sub-No. 32), filed October 11, 1965. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel* and *iron and steel articles*, between Pittsburgh, Vandergrift, Donora, Ellwood City, Allenport, Monessen, Munhall, Homestead, Irwin, McKeesport, McKees Rocks, Oil City, Clairton, Duquesne, Aliquippa, and Braddock, Pa., and Cleveland, Lorain and Youngstown, Ohio, on the one hand, and, on the other, points in Michigan, Illinois (except Centralia, Flora, Sparta, Cairo, Irvington, Carlinville, and Greenville), Indiana, Ohio, Wisconsin, St. Louis, Mo., and Louisville, Ky. NOTE: Applicant holds contract carrier authority in MC 116434 and Subs thereunder, therefore dual operations may be involved.

HEARING: November 1, 1965, in Room 2214 Conference Room, New Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa., before Examiner Rene J. Mittelbronn.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65–11218; Filed, Oct. 19, 1965; 8:47 a.m.]

[Notice 1248]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 15, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–68041. By order of October 12, 1965, Transfer Board approved

the transfer to George Pacovsky and Marie Pacovsky, doing business as Arrow Warehouse & Transfer, Tahoe Valley, Calif., of the certificate in No. MC–119708 issued November 18, 1960, to Robert E. Bawden, doing business as Arrow Warehouse & Transfer Co., Tahoe Valley, Calif., authorizing the transportation of: Household goods between Reno, Nev., on the one hand, and, on the other, points as specified in Nevada and California. Richard R. Hanna, Post Office Box 648, Plaza Street, Carson City, Nev., attorney for transferee.

No. MC–FC–68176. By order of October 12, 1965, Transfer Board approved the transfer to Parker Refrigerated Service, Inc., Tacoma, Wash., of Permit No. MC–124593 issued September 4, 1964, to Froozon Express Co., a corporation, Seattle, Wash., authorizing the transportation of frozen foods, over irregular routes, from points in California and Oregon, to points in Kings County, Wash., with no transportation for compensation on return except as otherwise authorized. Dual operations were authorized. Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle 4, Wash., representative for applicants.

No. MC–FC–68179. By order of October 12, 1965, Transfer Board approved the transfer to Glendale Transfer & Storage Co., Inc., Glendale, Calif., of the certificate in Nos. MC–4297, MC–4297 (Sub-No. 1), MC–4297 (Sub-No. 2), and MC–4297 (Sub-No. 3), issued July 3, 1941, June 14, 1940, March 31, 1941, and March 29, 1943, respectively, to Karl Emmett Koerber, doing business as Glendale Transfer & Storage Co., Glendale, Calif., authorizing the transportation of: Books, motors and parts, and diathermy apparatus, from Glendale, Calif., to Los Angeles Harbor, Calif.; paint and floor tile, from Los Angeles, Calif., to Los Angeles Harbor, Calif.; dextrose, pharmaceuticals, hospital equipment and therapeutical apparatus, over regular routes, from Glendale, Calif., to Los Angeles Harbor and Long Beach Harbor, Calif.; paint, from Glendale, Calif., to points in the Los Angeles Harbor commercial zone; and general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Long Beach and Los Angeles Harbor, Calif., on the one hand, and, on the other, points in the Los Angeles, Calif., commercial zone. Donald Murchison, Suite 211, South Beverly Drive, Beverly Hills, Calif., attorney for applicants.

No. MC–FC–68195. By order of October 13, 1965, Transfer Board approved the transfer to Royal Transportation Co., Inc., Montebello, Calif., of the operating rights in the certificate of registration No. MC–96777 (Sub-No. 1), issued November 8, 1963, to V. R. Anderson, doing business as V. R. Anderson Truck Co., Montebello, Calif., evidencing the right of the holder thereof to engage in interstate or foreign commerce, corresponding in scope to the service authorized in certificates of public convenience and necessity granted in decision No. 54648, dated March 12, 1957, as amended by decision No. 63042, dated January 9, 1962, by the Public Utilities Commission of the State of California. Donald Murchison, 211 South Beverly Drive, Beverly Hills, Calif., attorney for applicants.

No. MC–FC–68210. By order of October 12, 1965, Transfer Board approved the transfer to Acme Safeway Van & Storage Co., a corporation, Houston, Tex., of a portion of the operating rights in Certificate No. MC–105960 issued September 6, 1960, to Mrs. H. T. Swink, doing business as H. T. Swink Bonded Transfer, Jacksonville, Tex., authorizing the transportation over irregular routes, of: Household goods as defined by the Commission, between points in Cherokee County, Tex., on the one hand, and, on the other, points in Arkansas. H. H. Prewett, 2159 Tennessee Building, Houston, Tex., attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65–11219; Filed, Oct. 19, 1965; 8:47 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

OCTOBER 15, 1965.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State docket number assigned 7957–CCT, filed May 26, 1965. Applicant: A. M. TRANSFER & CRANE SERVICE, INC., 239 Northwest 26th Street, Miami, Fla. Applicant's representative: John T. Bond, 1955 Northwest 17th Avenue, Miami, Fla. Certificate of public convenience and necessity sought to operate a freight service over irregular routes, as follows: *Electronic equipment, machinery, and safes,* as well as all of the *component materials, parts and supplies* necessary for the installation or removal of said electronic equipment, machinery and safes, between points in Broward and Dade Counties, Fla.

HEARING: November 2, 1965, at 9 a.m. at the State Office Building, 1350 Northwest 12th Avenue, Miami, Fla. Requests for procedural information including time for filing protests concerning this application should be addressed to the Florida Public Service Commission, Tallahassee, Fla., 32304, and should not be directed to the Interstate Commerce Commission.

State Docket No. assigned 33445, filed September 10, 1965. Applicant: PUTNAM TRANSFER & STORAGE CO., 1502 Woodlawn Avenue, Zanesville, Ohio. Applicant's representative: Robert N. Krier, 50 West Broad Street, Columbus, Ohio. Certificate of public convenience and necessity sought to operate a freight service over irregular routes, as follows: *Property* from and to points in North Township, Harrison County, Ohio.

HEARING: October 28, 1965, at 10 a.m (e.s.t.), in the offices of the Public Utilities Commission of Ohio, 111 North High Street, Columbus, Ohio, 43215. Requests for procedural information including time for filing protests concerning this application should be addressed to the Public Utilities Commission of Ohio, 111 North High Street, Columbus, Ohio, 43215, and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65–11220; Filed, Oct. 19, 1965; 8:47 a.m.]

[3d Rev. S.O. 562, Pfahler's I.C.C. Order No. 194]

ANN ARBOR RAILROAD CO.

Rerouting of Traffic

In the opinion of R. D. Pfahler, agent, the Ann Arbor Railroad Co., account car ferry out service due to annual inspection, is unable to transport traffic offered it for movement to and from Frankfort, Manistique, and Menominee, Mich., and Kewaunee and Manitowoc, Wis.

It is ordered, That:

(a) Rerouting traffic: The Ann Arbor Railroad Co. being unable to transport traffic offered it for movement to and from Frankfort, Manistique, and Menominee, Mich., and Kewaunee and Manitowoc, Wis., account of car ferry being out of service due to annual inspection is hereby authorized to divert and reroute such traffic over any available route to expedite the movement regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the re-rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted

by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 12:01 a.m., October 17, 1965.

(g) Expiration date: This order shall expire at 11:59 p.m., November 16, 1965, unless otherwise modified, changed or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 14, 1965.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 65-11222; Filed, Oct. 19, 1965; 8:47 a.m.]

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